English Translations of

Majmoo'al-Fatawa of Permanent Committee for Scholarly Research and *ifta*' of K.S.A

First Collection

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Chapter on Foundlings

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Fatwa no. 122

Q: A relative of mine, my uncle Hamad, adopted a foundling, brought him up, educated him, and treated him well. He gave him the name (Y.H.SH.) through his Ijtihad (personal reasoning) and kindness. He then died in Zubayr city and he did not have any children to inherit him. The boy is now an adult and is attending the Zhahran Technical Institute. The relatives have discussed the possibility of changing the boy's name; some of them think that his name should be changed while others have paid no attention to the whole matter. Fearing that the lineage could be confused and the inheritance might be distributed improperly, I hope that Your Eminence will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) regarding the ruling of the Shari'ah (Islamic law) on the issue, so we can act upon it.

A: According to the Shari'ah, it is not permissible for a person who adopts a foundling to pass on the family name to them, whereby the foundling is given the name of the foster father and is ascribed to him as a child to its own father or tribe, as described in the question. This involves lying, falsehood, confusion of lineage, and a threat to people's honor. It changes the lines of inheritance, and may result in someone who has no rights receiving a share and rightful heirs being deprived of theirs. Moreover, it may cause people to err and regard what is Haram (prohibited) as Halal (lawful) and what is Halal as Haram in matters of Khulwah (being alone with a member of the opposite sex) and marriage. It can also lead them to violate other prohibitions and trespass the boundaries set by the Shari'ah. Allah, therefore, made it Haram to attribute a child to anyone other than its real father and the Prophet (peace be upon him) cursed those who attribute themselves to other than their father or their emancipating master.

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Allah (Exalted be He) says (what means): ﴾Nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴿ ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves). And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend. And Allâh is Ever Oft-Forgiving, Most Merciful.﴿ The Prophet (peace be upon him) said, ﴾Whoever knowingly claims to belong to anyone other than their own father, Jannah (Paradise) will be forbidden to them.﴿ (Related by Ahmad, Al-Bukhari, and Muslim) The Prophet (peace be upon him) also said, ﴾Anyone who claims to belong to anyone other than their father, or attributes themselves to other than their emancipating master, on them shall the rest the continuous Curse of Allah until the Day of Resurrection.﴿ The questioner's uncle did wrong when he acted according to his personal reasoning and gave his name to the child in question.

This state of affairs must not be allowed to continue. It is obligatory to change it and put matters right according to the Nusus (Islamic texts from the Qur'an or the Sunnah) that declare this naming to be Haram and also the above-mentioned ruling. As for being kind to a foundling, bringing him up, and treating him well, this is a benevolent deed that is encouraged by the Shari'ah. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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The first question of Fatwa no. 6931

Q 1: does the Hadith saying: (For every flesh that is grown up from unlawful earnings, Hellfire is most entitled of it) **apply to a foundling?**

A: The Hadith which is mentioned in the question generally applies to eating from unlawful sources. It is a threatening Hadith that does not by any means include a foundling. This is because a foundling did not commit any sin and no one

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bears another's burden. Allah (Exalted be He) says, (and no bearer of burdens shall bear the burden of another.) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 12966

Q: In 1370 A.H., my father saved a child whom he found wrapped in a cloth and sheltered by rocks at the top of a mountain in the desert. my mother looked after him and breastfed him without her having a child of her own at that time. However, during the two years of breastfeeding, she became pregnant. This child whom my father called Ma`tuq was raised and brought up with us. At the present time, he is an army sergeant and my parents have passed away. My father has bequeathed that this person should inherit along with us. He is on good terms with the whole family. Is he allowed to inherit from our father with us? Is he considered a Mahram (unmarriageable relative)

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for my mother and her daughters, taking into consideration that Ma`tuq was raised with us until he became adult and got a job? I hope that Your Eminence advises us on the inheritance and his relation with us. May Allah protect you.

A: First, your father and mother are to be thanked for what they did; taking care of this foundling until he grew up. **Second,** the breastfeeding that makes the child a Mahram means giving five or more feedings in the child's first two years. If your mother breastfed this child in this manner, he becomes her milk son, and he becomes a milk brother to her children. Allah (Exalted be He) says, (Forbidden to you (for marriage) are: your mothers, your daughters) to His saying (your foster milk suckling sisters) Allah (Exalted be He) also says, (The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling) It has been authentically reported that the Prophet (peace be upon him) said,

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(Wet-nursing makes unlawful what consanguinity makes unlawful.) It has been proven that `Aishah (may Allah be pleased with her) said, (It was revealed in the Qur'an that ten known times of breastfeeding prohibit marriage then it was abrogated (and substituted) by five known times of breastfeeding, and the Prophet (peace be upon him) died while it was likewise.) It should be noted that what is considered to be one time of breastfeeding is when the infant takes hold of the breast and sucks milk from it; if he lets go, then comes back and sucks more milk, this is considered a second time of breastfeeding, and so on. **Third,** it is not permissible for the mentioned child to take your father's name as if he is one of his sons.

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Fourth, the child you mentioned cannot inherit your father, because he is not one of his heirs. **Fifth,** if it is proven that your father determined in his will to leave one-third or less of his property to this person, there is nothing wrong with that; you may also keep in touch with him and treat him kindly, for Allah (Exalted be He) will never cause the reward of those who do good to be lost. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and

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The second question of Fatwa no. 11923

Q 2: Eighteen years ago, I found a baby tied in rags while I was going to the Masjid (mosque) to offer the Fajr (Dawn) Prayer. He was crying, so he drew my attention, and I took him home. My wife was pregnant at that time, and she suckled him before giving birth. It was a miracle that her breasts became full of milk before giving birth. She suckled him for four days until she gave birth. I hid this matter from everyone until my wife gave birth. Then, I told everyone that she had given birth to twins, so that no one would doubt this baby.

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I issued birth certificates for both of them. Since that day, everyone, including my children, believes that this boy is my son, and no one ever doubted this. I hope that he never knows the truth, whatever it costs me. I am ready to treat them as equals in inheritance, given that I am a middle-class man, and I do not have much that can make my children fight with each other. Am I a sinner for hiding the truth from the boy, given that my only hope is that he never knows the truth? Should I dedicate something to that boy in my lifetime, or leave my property to be distributed equally among my children after my death?

A: You should tell the truth to the foundling child and assure him. He is not the only one who has undergone this, and it does not harm him if he adheres to religion. You should not hide this from him, because it leads to much harm; he is counted one of your children; he is considered a Mahram (non-marriageable relative) to your daughters and their aunts like the rest of your children; he will also share your inheritance with your children, although he is not one of them. There is no harm in writing a will where you give him one third or less of your property. You will be greatly rewarded for your mercy and benevolence.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 18581

Q: i have a 50 year-old sister who was born deaf-mute. During her youth, she had a relationship with a man and got pregnant then gave birth to a boy. When the boy was at school age, they refused to accept him until he submits his father's iD. i added him to my sons in my iD to let him enter school. Now he is in the third year of the secondary school and has memorized 15 Juz' (a 30th of the Qur'an). I wish to know from you the ruling on this issue. Should I keep him added to my ID card, bearing my name and inheriting with my children?

A: You must not attribute this boy to yourself and you have to remove him from your ID card. You should issue him a separate ID card and the father's and grandfather's names are any of Allah's Names such as `Abdullah, `Abd Al-Rahman and the like. The family name should be derived from the Region he was born in. Take this name as an example: Muhammad ibn `Abdullah ibn `Abd Al-Majid and the family name is Al-Ta'ify, Al-Madany, Al-Makky or the like.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 119

Q: it has been proven that someone called Sayyah raped a woman called `Abdah who became pregnant and gave birth to a boy called Sa`d. Someone called Salih wished to adopt the boy and the mother agreed. The judge of Yanbu` gave his consent. His Excellency, the Judge of Yanbu` said that the boy's second name should be `Abdullah. We wish you would issue a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard to be a general rule adopted in similar cases.

A: Since this boy is an illegitimate child, he cannot be attributed to the fornicator, for the Prophet (peace be upon him) said, ("The boy is attributed to the bed (on whose bed he is born), and for a fornicator there is stoning.") (Related by Ahl-ul-Sunan (authors of Hadith compilations classified by jurisprudential themes) and others)

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It is also not permissible to attribute the son to the foster parent, so as to avoid mixing the lineage with his foster brothers. The son is to take his mother's tribal name, for he is attributed to his mother as mentioned in the previous Hadith. Using the name `Abdullah as the son's father is permissible. The Prophet (peace be upon him) said, ("The names that are dearest to Allah are `Abdullah and `Abdul-Rahman.") (Related by Muslim on the authority of `Abdullah ibn `Umar ibn Al-Khattab, may Allah be pleased with them both). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Chapter on Waqf

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waqf of the Mus-haf

The first question of Fatwa no. 16433

Q 1: My father died 10 years ago and since then I have given Sadaqah (voluntary charity) on his behalf. I would buy some Mus-hafs (Arabic Qur'an) and put them in the village Masjid (mosque) which is short of them. I type on each Mus-haf the words: "This is Waqf (endowment) whose reward is dedicated to Muhammad Muhammad Faraj, may Allah be merciful with him". What is the Islamic ruling on this? Is this Haram (prohibited)? Should I only write "This is Waqf" and not write anything else? Please guide me to the best way in this regard. May Allah be merciful with you!

A: It is a good deed to give Sadaqah on your father's behalf and dedicate the reward of endowing the Mus-hafs to him, may Allah accept that from you. It is permissible to write "This is Waqf" to notify people, lest they do anything that negates this fact, but it is better not to write his name. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fifth question of Fatwa no. 9305

Q 5: is it permissible to make copies of the Qur'an on behalf of a deceased person and distribute them in Masjids (mosques)? Will the reward be given to the deceased, to me or to both? Who will have the greater reward?

A: If you are going to do this from your own money, it is permissible for you to do so and you will have the reward for your sincere deed. If this is done from the deceased's bequest, it is permissible to do so after taking the consent of the heirs. You and the deceased will have the reward for your deed; each one according to his sincerity. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The fourth question of Fatwa no. 3863

Q 4: is it permissible to take a copy of the Qur'an from the Sacred Mosque to recite it at home?

A: It is not permissible to take any Waqf (endowment), whether copies of the Qur'an or books or anything like that, outside the place where they are kept. This is so whether it is the Sacred Mosque or any other place.

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However, if there is a problem with the place where the Waqf is kept, the Waqf should be transferred to another place or to a better place. It is permissible to take a Waqf outside the place where it is kept if it is a Waqf made for common benefit. You may then take it to your home for example or elsewhere but only after you have the consent of the supervisor of the Waqf. It should be noted that copies of the Qur'an are found everywhere at a very low price. Therefore, there is no need to take copies of the Qur'an from the Waqf. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 12546

Q: I got some Mus-hafs (copies of the Arabic Qur'an) from the Saudi Ministry of Religious Endowments to be sent to a Faqir (poor) domestic Masjid (mosque) which is located in my village in Egypt. Such Mus-hafs have been taken to Egypt by a friend of mine. Nevertheless, my friend delivered a big part of these Mus-hafs to the Masjid mentioned above and distributed few Mus-hafs amongst some friends who abide by Islam; we think them so In sha'a-Allah (if Allah wills). It may be worthy mentioning that I was told that the Mus-hafs were given to such friends to read from them and not for decoration. Does this distribution of some Mus-hafs amongst friends comply with the main purpose of

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sending these Mus-hafs to Egypt or not? We hope that your Eminence will provide us with your beneficial answer regarding these questions. May Allah enable you to support the cause of Islam and Muslims. May Allah reward you with the best.

A: Your friend mentioned above is only permitted to give such Mus-hafs to the Masjid for which they are allocated or to a similar Masjid. Accordingly, it is impermissible for your friend to distribute any of these Mus-hafs amongst friends. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 15930

Q 2: the state distributes copies of the Qur'an to pilgrims, but some citizens take them and distribute them to their relatives and friends. What is the ruling on this action?

A: It is not permissible to take the copies which the authorities have assigned to be distributed to pilgrims. This action is against the intention of making them; that is to provide the pilgrims with the Book of Allah, for they may only obtain them in this way. These copies are assigned for this particular authority

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and it is not permissible to direct them in other than the purposes for which they were assigned. Moreover, you may obtain these copies from the organization that distributes them to citizens. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Waqf books and tapes

The fifth question of Fatwa no. 17660

Q 5: the library in the Masjid (mosque) lends some valuable books and tapes to borrowers for a certain period for a nominal fee for each item. Is this permissible or is it regarded as a business?

A: The books and other items in a Masjid library are regarded as Waqf (endowments). It is not permissible to charge a fee for their use. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 18644

Q 1: after an Imam (leader of the congregational Prayer) had performed Salah (Prayer) with the people in a Musalla (a place for Prayer), he then locked the Musalla and took the books and carpets to his house, intending to keep them safe until it is reopened. If the time that the Musalla is locked becomes lengthy, is it obligatory on the Imam to send these books and carpets belonging to the Musalla to another Masjid (mosque) as they are Waqf (endowments) for the Sake of allah, or are they specifically for this Musalla only and it is obligatory on him to keep them until it is reopened, if Allah so wills?

A: If the Masjid mentioned in the question is expected to be repaired and reopened for people to perform Salah, its furnishings and books should be safely kept until the repairs are completed. Then they should be put back, because they were given as Waqf especially for that Masjid. But if it is not expected to be repaired and reopened for Salah, the things belonging to it should be transferred to another Masjid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 14246

Q: my deceased father left behind a library which contains religious and historical books. Is it permissible

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to make it a Waqf (endowment) for the sake of Allah on his behalf and send them to Islamic countries abroad? I appreciate your guidance. May Allah reward you!

A: It is permissible for you to make it as a Waqf for the knowledge seekers if the heirs agree and there are no minors among them. It will be Sadaqah Jariyah (ongoing charity) for your father. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The third question of Fatwa no. 19292

Q 3: there are some books and tapes sent by Muslim brothers and charitable societies which are not meant to be Waqf (endowment). the cover of these books and tapes does not contain the following statement: "It is a Waqf for the sake of Allah" or "it is assigned for giving as a gift and not for sale. the price is written on them. Is it permissible to sell them in case of need? Is it permissible to sell them in order to buy other books and tapes?

A: Book and tapes which are distributed for free by donators and charitable institutions are considered Waqf which can not be sold or traded in. If a person has them but does not need them, he may give them to someone who does.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The sixth question of Fatwa no. 8367

Q 6: is it permissible to sell the books that are given as gifts by Dar Al-ifta' (House of Fatwa) or the Muslim World League in Makkah, or books that are given as Waqf (endowments) in general, whether there is a necessity to do this or not? Also, is it permissible to get many copies of the same book or deliberately request many copies, and then exchange the duplicates for books with other people?

A: It is not permissible to sell the books you mentioned or any other Waqf books. The owner of these books should either benefit from them themselves or give them to someone else who can, without receiving anything in return. It is not permissible to take more than a copy of the same book from the presidency or the Muslim World League through deception and lies. Exchanging Waqf books between seekers of knowledge, without receiving any compensation, is permissible depending on the need, as we do not know of anything wrong with that - if Allah so wills. This is because the intention here is to benefit and not receive any compensation. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 18855

Q 2: is it permissible to substitute books that have the words "Waqf (endowment) for the Sake of Allah" written on the cover for others bearing the same or a different title to sell them?

A: Waqf books are to benefit those who have them. Once they have no further use for them, they should give them to anyone who needs them. It is not permissible to sell them for money or to trade them for other books. There is nothing wrong with substituting Waqf books for other Waqf books to benefit from them, as this is not a sale. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions.

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The second question of Fatwa no. 19300

Q 2: I have read the Fatwa (legal opinion issued by a qualified Muslim scholar) that said that it is not permissible to sell Islamic books that are given as Waqf (endowments) and distributed by the General Presidency of Scholarly Research and Ifta', but I still have some ambiguity about the books, papers, and tapes that are distributed by charitable organizations. Examples of these organizations include the cooperative offices for Da'wah (calling to Islam) and guidance that are located in many regions of the Kingdom of Saudi Arabia, Al-Haramain Islamic Foundation, the World Assembly of Muslim Youth (WAMY), and many others.

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What is the ruling on selling the books and tapes they send?

A: It is Haram (prohibited) to sell the books, tapes, and research papers that you receive from the cooperative offices for Da'wah and guidance and from the other charitable organizations. The books and tapes that are sent by the organizations you mentioned are regarded as Waqfs (endowments) for the recipient to benefit from or to give to others for no charge. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 19957

Q: i have about sixty audio tapes of Qur'an, Hadith, and Khutbahs (sermons). i also have some islamic books. i hope that the reward of the foregoing reaches me in my burial place; should i donate them during my lifetime to some Masjids (mosques), give them as gifts to some friends, or determine in my will that they should be donated after my death? Which is more proper; to donate such tapes and books while I am still alive or to do so after my death bearing in mind that my children may benefit from them. May Allah reward you with the best.

Besides, I appeal to whomever reads this letter to make Du`a' (supplication) for me in

Al-Haram Al-Makky (the Sacred Mosque in Makkah) if they are close to it and to send my salutations to the Messenger (peace be upon him) and to Abu Bakr and `Umar (may Allah be pleased with them both). This is Amanah (a trust)! May Allah's Peace, Mercy, and Blessings be upon you!

A: Firstly: All these are ways of goodness and benevolence. However, you have to seek the way which achieves the greatest interest and benefit for you and your children both during your lifetime and after your death. May Allah grant you success and rightness. **Secondly:** Regarding the following phrase that your question contained: "I appeal to whomever reads this letter to send my salutations to the Messenger 'peace be upon him' and to Abu Bakr and `Umar 'may Allah be pleased with them both'", we clarify to you that asking others to salute the Messenger (peace be upon him) or any dead person in your behalf is not Mashru` (Islamically acceptable). Rather, doing so is Bid`ah (innovation in religion) while the Prophet (peace be upon him) said: ﴾Every bid`ah is a deviation and every deviation is in Hellfire.﴿

Consequently, you should abandon such a practice and inform whoever indulges in it of its impermissibility. On the other hand, amongst the bounties of Allah is that He (Exalted be He) decreed that our salutation to our Prophet Muhammad (peace be upon him) reaches him wherever we may be. Proof for the foregoing is the authentic Hadith in which the Prophet (peace be upon him) said: ﴾Allah has angels roaming around if they find anyone greeting me they carry back these greetings to me.﴿ (Related by Imam Ahmad, Al-Nasa'y, and others). The Prophet (peace be upon him) also said: ﴾The best of your days is Friday. On that day pray to Allah to exalt my mention frequently, for your supplications are presented to me wherever you may be.﴿ and:

﴾Do not make my grave a place of celebration, and do not make your houses graves, but invoke blessings on me, for your blessings reach me wherever you may be.﴿ There are many Hadith to the same effect. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad,

his family, and Companions!

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Waqf of Masjids and their lands

The first question of Fatwa no. 9358

Q 1: a man passed away and left behind his wife and 54,000 Riyals, which is the value of the compensation for a house he inherited from his mother. The only heir of this man is his wife, for he was barren. His wife wants to spend the mentioned sum in building a Masjid as Waqf for the sake of allah on behalf of her husband, his mother and herself. Is this action permissible?

A: If the reality is as you have mentioned, she may do so because it is an act of charity.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13874

Q: one of the benevolent people in Hafr Al-Batin built a large Masjid (mosque); around 42 x 30 meters. He also built a Musalla (a place for Prayer) for women at the back of the Masjid that is 25 x 5 meters, and a house for the Imam (leader of the congregational Prayer) and one for the Mu'adhin (caller to Prayer). Jumu'ah (Friday) Prayers are performed in this Masjid, which he built around three years ago. Recently, a group of the people who perform Salah (Prayer) in this Masjid raised some money to expand the women's Musalla, so the women can perform all the congregational Salah there, except the Jumu'ah Prayer; although they used to perform the Jumu'ah Prayer here in the past. The benevolent person who built the Masjid has objected to this and said, "I built this Masjid so every Salah could be performed here. Leaving it with no Salah is abandoning this purpose. I want Salah to be performed in this Masjid always and for the Musalla to only be for the women." Some of the group who perform Salah in this Masjid are insisting on carrying out their idea to expand the women's Musalla, so they can perform Salah there at all the times for Salah, except the Jumu'ah Prayer. They referred the matter to us and we would like to refer it to Your Eminence to put an end to this matter and

and set the rule to be followed in the future. May Allah protect you!

A: It is obligatory that the matter should continue in the original state of affairs; that the five daily Salah and Jumu'ah Prayer should be performed in the Masjid and the women's Musalla should be kept for the women. This should be the case, even if it is expanded, to achieve public benefit and to implement the purpose intended by the Waqf (endowment) donor (may Allah multiply his reward) in establishing it. May Allah also grant you success and support you in doing what is good; may Allah grant us success; and may peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13679

Q: We inquired about the Masjid (mosque) where we offer Salah (Prayer). The building where we offer Salah is owned by a Muslim brother who lives here. The Muslim community used to rent this building from that man in return for a monthly rent. Then, this man decided to donate the building to be a permanent Masjid for the Muslims here, and he refused to take money. His intention was good. However, he trades in foodstuff and real estate. He also acknowledged that about one third of

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his trade is in alcoholic drinks.

In addition, he told us that he had bought the building where we offer Salah through a loan from a usurious bank. He is still repaying the loan, in addition to the interests. We asked Your Eminence over the telephone whether we should accept this man's donation, given that part of his money is acquired through trading in alcoholic drinks and Riba (usury). Your answer was as follows: you should accept the donation and stop asking the man about the source of this money. We should also make him write an acknowledgement that he has donated the building to be used as a Masjid.

We told him your Fatwa (legal opinion issued by a qualified Muslim scholar), and we asked him to write an acknowledgement that he has donated the Masjid to a reputable Islamic entity, such as the office of the Muslim World League in the USA. However, he refused to write an acknowledgement that he has donated the Masjid; he only pledged that this building will be a Masjid forever. He was afraid that anyone might use this building for another purpose later, or that the Masjid will be used by some group or entity to publicize themselves. We tried hard

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to convince him, but it was of no use.

As for the current situation, we are divided into two parties: the first party is of the view that there is no harm in offering Salah in this Masjid, even if the building owner does not write the acknowledgement; and the other party is of the view that this acknowledgement should be written; otherwise it is impermissible to offer Salah there. Please, Your Eminence, advise us concerning what we should do. Is it permissible to offer Salah in that building? We would like you to also give us your response in writing so that we can distribute it in the Masjid. Many thanks in advance. May Allah guide us all to what is right. May Allah reward you.

A: There is no harm in offering Salah in the mentioned building. it is enough for the building's owner to acknowledge that he is giving it as a Waqf (endowment) to be used as a Masjid, even if not in writing, as he might have some excuse which prevents him from writing it to protect the Masjid from those who might harm it, being its owner. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 20020

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family and Companions.

The Permanent Committee for Scholarly Research and Ifta' reviewed the request presented to His Eminence the General Mufty from His Eminence the Judge of the Court of Al-Salil, Ibrahim ibn 'Abdullah Al-Thamiry, no. 236/2/1318/1 on 27th Jumadah II, 1418 A.H., which was forwarded by the General Secretariat of the Council of Senior Scholars, no. 3826 on 2nd Rajab, 1418 A.H. His Eminence asked that the request submitted by 'Aly ibn Mubarak ibn Bady Al-Dawsary should be considered, in which he asked about relocating a Masjid (mosque) that he dedicated as a Waqf (endowment) to a better location, as the old Masjid is small and located in the middle of the donor's farm. His Eminence mentions that the director of the Department of Awqaf and Masjids wrote a letter to him asking whether this was permissible.

The Permanent Committee reviewed the request and read the report presented by the committee formed for the purpose. Included in the report was the following:

"Your Eminence, the Judge of the Court of Al-Salil, - may Allah protect you and may the Peace and Blessings of Allah be upon you.

In reference to your letter to us, no. 138/1 on 5th Rabi' I, 1418 A.H. regarding us coming out to the current location of the Masjid that was endowed to the citizens by 'Aly ibn Mubarak ibn Bady, who now wants to relocate it to another place. We agree to the new location that he intends to move it to and it is shown in the attached sketch of the village of Al-Salil. The new location is more spacious, and in our opinion, the closer the Masjid is to the residential area, the better, as it will be able to serve many passing commuters and inhabitants of the area. But Allah (Glorified be He) knows best and the final decision is yours."

The committee has reviewed the letter from the director of the Department of Awqaf, Masjids, Daw'ah, and Guidance, which was submitted to His Eminence, the Judge of the Court of Al-Salil. The letter includes the following: "Attached are the papers regarding 'Aly ibn Mubarak ibn Bady's request about relocating a Masjid to the Al-Bady area. The area of the new Masjid, which will be built with a generous donation from His Royal Highness, the Minister of the Interior, will be 20 × 12 meters in area. The current Masjid is small, only 3 × 5 meters, and it is in disrepair, with its roof touching that of one of the houses. It does not serve its required purpose and yet it cannot be extended, as there is not enough space and it has no title deed. The area needs it to be moved to a new location.

We therefore hope that you will consider this request in the light of the Shari'ah (Islamic law), and tell us if this is permissible and what we should do with the old location, if its location becomes vacant and a new Masjid is built."

Having reviewed the Fatwa request, the committee's answer is as follows: If the situation is as you mentioned, there is no prohibition against relocating the old Masjid to a new location, as this will serve the public interest, because the old Waqf Masjid is very small, it is about to fall down as mentioned, and it appears to be unused as its current location is in the middle of the farms, palm trees and the donor's house and so people refrain from performing Salah (Prayer) in it. The new Masjid will be much larger and on the highway, so it will be able to serve the local inhabitants and those passing through. As for the location of the old Masjid, after transferring the Masjid to the new location, the value of the area of the old Masjid should be estimated by the judge and this amount put towards building the new Masjid. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1395

Q: Ten years ago, some Muslims built a small Masjid (mosque) in our village. Now it cannot accommodate all the people and we want to expand it but it seems to be impossible. We thought of buying a larger piece of land to build a Masjid, school for Muslim children and other utilities. The question is: is it permissible to sell the land on which the old Masjid is built and use the price in building the new one?

A: If the reality is as you mentioned, that the current Masjid is very small and cannot be expanded and that it is necessary to build a larger Masjid for the Muslims, a school to educate their children and the related utilities, there is no harm in selling the land on which the current Masjid is built, razing the Masjid and using its price to buy a larger piece of land in a suitable place to build the new Masjid, school and other utilities. All of this aims at serving the public interest; however, everything should be carried out by those who are known for their trustworthiness, honesty and knowledge. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 10483

Q: Regarding your answer no. 2910 to our question registered with you under no. 2550, we wish to notify you that the village is not located in the Kingdom but in Hadramawt. The matter is not referred to the court, since the villagers built the Masjid (mosque) at their own expense. We wish to know: what will happen to the old Masjid if it is abandoned after building the new one? Is it permissible to abandon the Masjid? Is it permissible to raze the Masjid that is no longer prayed in and sell the land on which it is built in order to spend the money in charity? Please enlighten us. May Allah reward you well!

A: The old Masjid is to be sold at a public auction and its price is to be spent in building the new one or any other Masjid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 50

Q: According to Shari`ah (Islamic law), is it permissible to raze an old Masjid (mosque)

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in order to build a public library in its place? If this is not allowed, is it permissible to take compensation for the land or is the matter left to those who are responsible for the Masjid to accept another Masjid in another place instead?

A: It is not permissible to knock down a Masjid even if it is old just to build a public library in its place. Furthermore, it is not permissible to build a public library in its place, even if it is ruined. Your duty is to restore it if it is old and build another one if it is ruined, even if you have to sell parts of it to repair the rest. The basic ruling on Waqf (endowment) is that it is not to be sold, granted or bequeathed. The Prophet (peace be upon him) said to `Umar ibn Al-Khattab (may Allah be pleased with him) when he wanted to give his yielding land in Khaybar in charity ("Give it in charity (i.e. as an endowment with its land and trees) on the condition that it will neither be sold, given as a present, nor bequeathed, but the fruits are to be given in charity.") This is a general ruling related to any Waqf. Muslim scholars exclude the Waqf that no longer serves

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its purpose or whose movement to another place makes it more beneficial. In this case, it is permissible to sell it or exchange it for another which serves the same purpose, so as to ensure that it provides its benefits or to enhance them. It is related that `Umar ibn Al-Khattab wrote to Sa`d ibn Abu Waqqas (may Allah be pleased with them both) when he was informed of the theft that happened in Bayt-ul-Mal (Muslim treasury) located in Kufah. He ordered him to move the Masjid from the area of Al-Tammarin and have Bayt-ul-Mal in its Qiblah (direction faced for Prayer towards the Ka`bah) and there will still be place for prayer. This decision was made in the presence of the Sahabah (Companions of the Prophet) and no one disagreed, which makes it unanimous. This solution kept the Waqf in its core meaning if not in application. However, you should bear in mind that if the selling or exchange is permissible, it should be carried out by the ruler or his deputy as a precautionary measure in order to preserve the Waqf from any manipulation. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

The first question of Fatwa no. 15920

Q 1: is it permissible to take the money of Waqf (endowment) and spend it on the needy? it should be taken into consideration that this Waqf is assigned for building the Masjid.

A: If the Waqf is assigned for a specific purpose such as, a Masjid, it is not permissible

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to direct it to anything else. This may only be if the benefits gained from this Masjid come to an end, like if people desert it because no inhabitants live in that area. In such a case, the competent official authority should transfer it to another Masjid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 15040

Q 1: the person supervising the Masjid (mosque) construction had some money that was collected from a group of pious people to be spent on the construction. He spent 700 Riyals of this money to slaughter an animal and provided Iftar (the fast-breaking meal) for the workers. Is this permissible or should he pay for this from his own money?

A: There is nothing wrong with you spending the stated sum of money, as it was for the benefit of the Masjid. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
\`Abdul-\`Aziz Al Al-Shaykh	Salih Al-Fawzan	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Q 2: is it permissible to use the remaining money specified for a certain Masjid (mosque) in maintaining another one?

Q 3: Is it permissible to deposit the money intended for maintaining a Masjid in a bank to protect it?

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Q 4: If there is a remaining sum of money specified for maintaining a certain Masjid, is it permissible to use it for fencing and repairing the Musalla (a place for Prayer) of `Eid?

A: As for the second and fourth questions, the remaining money specified for building the Masjid should be kept for the same Masjid to be used in what it might need. Regarding the third question, there is no harm in this for the sake of the public interest which you stated in the question. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 18759

All Praise is due to Allah Alone, and peace and blessings be upon the last Prophet. To commence:

The Permanent Committee for Scholarly Research and Ifta' have read the question submitted to his Eminence, the general chairman by the judge of Daws Court, which is referred to the Committee from the General Secretariat of the Council of Senior Scholars No.

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609 in 29 / 1 / 1417 A.H. The text of the question is as follows:

Ahmad ibn Muhammad ibn Salih Al-Zahrany tells us that he asked a benefactor to give him a sum of money to build a Masjid Jami` (A large mosque where Jumu`ah [Friday] Prayers are held) in one of the villages. The benefactor paid him this sum of money. It should be noted that this person is a supervisor and not a contractor. Then he asked another benefactor to give him a sum of money to build another Masjid. The second benefactor paid part of the money but did not pay him the rest. Therefore, the process of building the second Masjid stopped. The supervisor mentions that he had some money left after building the first Masjid, so he directed the extra money to complete the second Masjid because the second benefactor did not fulfill his promise to complete the second building and the contractor asked him for his right. This person is asking you to issue a Fatwa concerning the ruling of his action; whether his act is valid or if he is sinful? Should he return the extra money to the first benefactor or what should he do? It is worth mentioning that he is not a contractor and does not have enough money to complete the second Masjid.

Could you please enlighten me in this regard so I can tell him about the legal ruling on this issue.

After the Committee had perused the question, its reply is as follows: Spending the extra money to complete the second Masjid is permissible as long as the first donator did not ask to take back

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the extra money. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
Salih ibn Fawzan Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9315

Q: Part of the Masjid (mosque) Ibn Rudayyan was taken to expand Al Firian Street in Riyadh. Compensation was allocated for this in the Monetary Association by the municipality, but it has not yet been received by the ministry. In addition to this, His Eminence Shaykh 'Abdul-Rahman ibn Faris has donated a sum of money to build another Masjid in place of the one on the main street, just ten meters from the previous location. The ministry built, furnished, and air-conditioned the Masjid from its special provisions budget, as the compensation is still with the City of Riyadh Municipality.

The Masjid had two Waqf (endowment) houses that were dedicated for the Imam (leader of the congregational Prayer) and the Mu'adhin (caller to Prayer), which were built of adobe and mud. His Eminence Shaykh 'Abdul-Rahman ibn Faris sent me a letter, dated 10/11/1405 A.H., recommending that they should be demolished and rebuilt in concrete.

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He suggested that the expenditure could be disbursed from the compensation allocated in the Monetary Association. His Eminence - may Allah reward him with the best - said that if the amount was insufficient, Allah would help to make up for the deficit.

Therefore, I hope that Your Eminence will examine the matter and explain your opinion from the Shar'y (Islamic legal) perspective as to whether it is permissible to build accommodation for the Imam and the Mu'adhin from the money that was allocated to build the Masjid. Please bear in mind that the benefactor has undertaken the building of the replacement Masjid on land that was donated by the state, and all that is left is just the compensation value of the building.

A: If the situation is as you mentioned, it is permissible to rebuild the two houses for the Imam and Mu'adhin of Masjid Ibn Rudayyan in Riyadh from the compensation value allocated for the land and building of the original Masjid, because the state gave a land to build on it a new Masjid instead of the land of the old Masjid, and a benefactor donated the funds to build the new Masjid. The amount of money that will be needed to build the two houses is the value of the ruins of the old Masjid and building the two houses ancillary to the Masjid essentially serves its interest. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 8192

Q: We are members in one of the Islamic cultural centers. We have collected donations from our benevolent brothers to complete the building of the Masjid (mosque) in a specific village. Thanks to Allah's Grace, we built the Masjid. However, thousands of rupees remain in the fund of the Islamic cultural center from the donations. Is it permissible for the center to spend the remaining money on other important activities in the same village such as building a library, a religious school, providing care for orphans and handicapped people and other activities that are usually done by the center in the same village? Indeed, the center urgently needs money for these activities in order to eliminate Bid`ahs (innovation in religion) and superstitions, for Bid`ahs, superstitions, and non-Muslim customs are rampant in the village. Is it permissible to spend the remaining donations on these activities? If not, what should we do with the remaining money?

It is important to note that when we collected donations, we intended to spend what may remain on the activities mentioned above. Please, advise us in details so we may help those who listen to speech and follow the best of it! Finally, Allah is Witness over what we say!

A: the money that remained after accomplishing the building of the Masjid should be spent on repair and maintenance works. If the school and library are annexed to the Masjid, you may spend from the money on building and maintaining them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5135

Q: some of my neighbors and I collected some donations to renovate our Masjid (mosque), and I was assigned to handle the whole process. There is some money left over; is it permissible for me to spend this extra money on another Masjid after meeting all the needs of the concerned Masjid, to discharge my responsibility to this money that is perturbing me?

A: It is permissible for you to spend the surplus money that you have from the donations to renovate your Masjid on another Masjid. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

(Part No. 16; Page No. 49)

Fatwa no. 11407

Q: We are a group of Muslims who are studying our PhD in Poland. We intended to build a Jami` (a large mosque where Friday Prayers are held) in one of the cities here. By virtue of Allah (Exalted be He) we collected a sum of money for that purpose from different sources, some of which were Muslims living in Poland and some others were Muslims living in Germany. However, no actual procedures have started for building the Jami`. We have been waiting for the approval of the concerned authority so that we may start building on a piece of land that the owner agreed to sell to us. Thus, the procedures of buying the land and starting the construction work will commence soon In sha'a-Allah (if Allah wills). We have come across some questions that we hope your Eminence could give appropriate answers for according to the purified Shari`ah (Islamic law) so that the benefit of Islam and Muslims is achieved. These questions are:

1- A Muslim brother collected some donations totalling ten thousand dollars from Muslims living in Poland. People waited for a long time but working on the Jami` did not start. Consequently, the sum mentioned above was needed to buy a piece of land in Egypt to build another Jami` on it.

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Accordingly, the concerned brother requested to recover the sum that he collected from Muslims who donated with the intention of building a Jami` in this city in Poland. Some of the donators have already traveled after finishing their studies. Should we return the sum to the brother in order to achieve the other objective or not? Please guide us! May Allah reward you with the best for helping us.

2- The brother who keeps the sum of ten thousand dollars that was donated for building the Jami` may leave the country after a short period of time when he finishes his studies. No other person agrees to assume the responsibility and keep the money. How can we overcome this problem? Is it permissible for us to put this money in the bank? It may be worthy to mention that banks give compulsory interest. Please clarify.

3- If the process of building the concerned Jami` fails, may Allah forbid; should we repay the different sums to all those to whom they are due in case we can find them and we know the value of the sums that they donated, or should these sums be spent on the different spheres of Da`wah (calling to Islam) in this country? Please clarify.

May Allah grant you success and protect you and may He reward you with the best for benefiting us.

A: First, all that was donated for the purpose of building a Jami` in Poland

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is not to be spent on any other purpose. **Second,** you may keep the money in the bank if there is no

trustworthy person who agrees to keep it. **Third,** if you can not build the Jami`, the collected sums should be spent on building a Jami` in Poland wherever this is possible. Moreover, if no Jami` at all can be built there; these sums should be spent on the construction of a Masjid (mosque) which is needed by Muslims living in a country that is similar to Poland meaning, a non-Muslim country in which Muslims are a minority that needs support and help in building Masjids (mosques). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 794

Q: A complaint has been submitted stating that their Masjid (mosque), which is located in Halat Al-Shu'bah, has no land around it that could be used to build toilets on, and there are no toilets in the Masjid now. The people are in dire need of some toilets, as there are many people who perform Salah in this Masjid. They therefore want to use a small part of the eastern corner of the Masjid to make some toilets, with doors that will open onto the street. We would like to ask about the permissibility of this.

A: If the reality is as you mentioned, that there is no land around the Masjid that could be used to build toilets, the people of the Masjid are in

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a dire need of them due to the numbers of worshippers and their need to perform Wudu' (ablution) for Salah (Prayer), and that taking a small part of the eastern corner of the Masjid to serve as an ablution place will benefit the Masjid and its people, the committee sees nothing wrong with permitting this. This is as long as the doors of the ablution place will lead onto the street and the Masjid receives no material benefit whatever from that. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 16028

All praise be to Allah Alone, and peace and blessings be upon the one after whom there shall be no prophet.

The Permanent Committee for Scholarly Research and Ifta' has reviewed the letter sent to His Eminence the General Mufty (Islamic scholar qualified to issue legal opinions) from the Undersecretary of the Ministry of Islamic Affairs responsible for Masjids (mosques). The letter no. 4932/7, dated 13/4/1414 A.H. was forwarded to the committee by the General Secretariat of the Council of Senior Scholars on 17/4/1414 with no. 1723. It states the following:

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"Imam (the one who leads congregational Prayer) Jamal Al-Qar'wy, of the Masjid Shaykh 'Abdul-Rahman Al-Dawsary in the Salam district of Riyadh, came to us with the attached request. The request indicated that in this neighborhood there was a need to teach women to memorize the Ever-Glorious Qur'an, which would require the construction of classes to serve this purpose on part of the land belonging to the aforementioned Masjid, because of the availability of space there. Our specialist committee inspected the Masjid and there is an empty area of 27.20 x 18.50m to the south-east, where we would like to build the school. The attached sketch shows the area.

According to what was previously mentioned, and the instructions from His Highness in the letter no. 4/442, dated 6/3/1406 A.H., which were based on your letter no. 1451, dated 17/7/1405 A.H. - that says that it is not permissible to take part of the land belonging to the Masjid for any purpose until the matter has been referred to the judge of the district where the Masjid is located, or the Permanent Committee for Scholarly Research and Ifta' examines the case and issues a decree or Fatwa as to what they see would serve the best interests of the Masjid - we hope that you will look at

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this matter and tell us your opinion regarding it so we can implement it."

Having studied the matter, the Committee replies as follows: The Committee has declined consent to take a part of the Masjid's land to build a school on, because this contradicts the rulings on Waqf (endowment). May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Deputy Chairman	Chairman

Fatwa no. 1569

Q: The Masjid (mosque) in their neighborhood is old and should be razed and rebuilt from the benefactors' donations. Also, some of the people living near the Masjid have offered their houses to be annexed to the Masjid. However, these houses are not enough to establish a house for the Imam (the one who leads congregational Prayer) and another for the Mu'adhin (caller to Prayer). What is the ruling on taking part of the Masjid to establish a house for the Imam and another for the Mu'adhin?

A: It is not permissible to establish a house for the Imam, Mu'adhin, or both from part of the Masjid, because its land is a Waqf (endowment) dedicated for offering Salah (Prayer) on it. Thus, it is not permissible to use it for anything else unless there is a valid reason. In fact, establishing a house for the Imam or the Mu'adhin is not a valid reason that can permit this. The authority in charge and the rich, especially the people of the neighborhood, should cooperate and find a house

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for the Imam and the Mu'adhin near the Masjid, if necessary, to facilitate their jobs. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 185

Q: What is the ruling on using a piece of land outside but annexed to Al-Rawati` Masjid (mosque) to build a house for the Imam (leader of congregational Prayer) of the Masjid under his own supervision? He mentioned that the land area is 7 x 6 meters. It cannot be added to the Masjid because it is too close to the market, and the Qiblah (direction faced for Prayer) is diverted. The Masjid is also large, and does not need this extension. When the mentioned land is used to build a house for the Imam of the Masjid, it will be a Waqf (endowment) for the Masjid to be used by the Imam or the Mu'adhin (caller to Prayer), whoever needs it. If they both need it, it shall be divided among them.

A: If the situation is as mentioned by His Eminence, Shaykh `Abdul-Rahman ibn Firyan, that this land cannot be added to the Masjid;

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that the Masjid is wide enough; you want to use it to build a house as a Waqf for the Imam or the Mu'adhin of the Masjid; as building on this piece of land in the mentioned way does not render it out of the Masjid; and this brings benefit to the Masjid more than if it had been annexed to it, the Committee declares that it is permissible, provided that it is done under the supervision of Shaykh `Abdul-Rahman, and that the mentioned land is registered as a Waqf after building on it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 3505

Q: if a person creates a Waqf (endowment) of a piece of land in the name of a Masjid (mosque) is it permissible to build houses or rental stores on this land or not?

A: If a person creates a Waqf of a piece of land in the name of a Masjid, it is permissible to build houses on it ancillary to the Masjid to accommodate the Imam (the one who leads congregational Prayer), the Mu'adhin (caller to Prayer), and the servant of the Masjid; or to rent them and use the income to repair the Masjid and provide for its other needs. It is also permissible to build stores to be rented and to use the income to maintain the Masjid, such as to pay the salaries of the employees, to repair and furnish the Masjid, or meet its other needs.

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This may be done, provided it does not spoil the purpose intended to be served by building the Masjid, such as narrowing down the space provided for those offering Salah (Prayer) and similar inconveniences. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1921

Q: The Masjid (mosque) is too large; it is the largest Masjid in the town next to the one where the Jumu'ah (Friday) Prayer is held, but only a very few people perform Salah (Prayer) there. To the south of the Masjid is a house, that was given as a Waqf (endowment) for the Imam (leader of the congregational Prayer), but the house is too small to be lived in or to be rented in its current state. It is kept locked most of the time, because no one wants to rent it, due to its size and not being suitable for habitation. We could take a small part from the southern part of the Masjid and add it to the house to make it more desirable, without causing any problems. In fact, the current size of the Masjid makes it more prone to get dirty. The person who gave the Masjid as a Waqf is the same person who provided the house, who, without doubt, intended, by providing a house for the Imam, to spare him the need to frequently come and go.

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What is your opinion; please give us a Fatwa (legal opinion issued by a qualified Muslim scholar) and may Allah reward you well!

A: it is not permissible to take anything from the area of the Masjid to add to the mentioned house, because the basic rule for a Waqf is that it should be kept as it is. It is not permissible to change a Waqf from a superior status to a lower one. If the house is not suitable for habitation, you could refer this matter to the courts for them to look into this matter and issue a judgment according to the Shari'ah (Islamic law), pursuant to what is observed there. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 2288

Q 2: a person gave a house as Waqf (endowment) to an Imam. Is it permissible for that Imam to rent it for money if he does not want to live there?

A: It is permissible for the Imam to rent this house and take the rent for himself. There is no harm as long as he undertakes the responsibilities of being the Imam. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19571

Q: In reference to your letter no. 19/1 dated 6/1/1418 A.H., which is accompanied by the letter sent from His Eminence, Shaykh `Abdul-Qadir Habibullah Al-Sanady, which discusses the needs of the Masjid built by the institution in the city of Nuab Shah, Al-Sind, to some important utilities, such as the accommodation for the Imam (leader of congregational Prayer) and the Mu'adhin (caller to Prayer) and bathrooms, please be advised that there are some applications submitted to the institution to provide such utilities, in addition to furnishing, air conditioners and microphones. They are shown to benefactors, but not many people offer help. We receive money from many benefactors who want to contribute to building Masjids. Is it permissible to use that money in providing these utilities, given that those who donated it did not stipulate using it to build a certain Masjid? Please advise concerning this issue. May Allah reward you for your interest in the affairs of Muslims. May Allah benefit us by your knowledge and Jihad (striving in the Cause of Allah); He is the Generous One. May peace and blessings be upon our Prophet Muhammad, his family and Companions!

A: Donating to build a certain Masjid entails all the utilities of the Masjid, including the accommodation of the Imam and the Mu'adhin, bathrooms, furnishing

and so on, because they belong to the Masjid. However, if a person donates a sum of money to build or participate in building a Masjid, no part of this donation should be spent for establishing the utilities of another Masjid, because establishing the utilities only cannot be called building a Masjid. In this case, the condition of the Waqif (endower) is not fulfilled. The money should only be spent in the purpose of the Waqif, which is building a new Masjid, including its utilities. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12400

Q: In Detroit, in the USA, there is a region where a large Muslim community lives. In this region, there is an old Masjid (mosque) which has recently been expanded by adding a new piece of land to it. The cost of this project was around 400,000 Dollars. The community needs to build an Islamic school and this project will cost about one and a half million Dollars. However, only around 400,000 dollars was collected. A benefactor wants to build a Masjid and is ready to pay all the charges: 1.5 million Dollars.

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This man refuses to spend the money in building the school, but he proposes the following:

To build a new Masjid (mosque) beside the old Masjid and the people turn the old Masjid into school with the money they collected. The benefactor will take part in establishing the school by paying 100,000 Dollars. He will also send Du`ah (callers) at his own expenses to teach there.

Is it permissible to establish a school instead of the old Masjid after building the new one? Is it permissible to estimate the value of the old Masjid and build another Masjid with this value in another place or to put this value in building the new Masjid next to it?

A: It is permissible to build the new Masjid and let some experts evaluate the land and the building of the old Masjid and spend it in maintaining another Masjid in a place that is in need for it, and to establish a school for teaching Islamic subjects instead. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 15300

Q: A long time a go, I donated a piece of my agricultural land known as (Al-Khalibah) located in the area of `Asir Banu `Amr to expand the old Masjid (mosque) in order to provide room for all the people of the village. I handed this piece of land over to the Ministry of Hajj and Awqaf at that time. However, today some other people, may Allah reward them best, have built a large Masjid other than the old Masjid. Now the old Masjid has not been expanded.

Is it permissible for me to take back the piece of land I donated for expanding the old Masjid, since it has not been used or had anything annexed to it? I appreciate your advice. May Allah reward you best!

A: You do not have the right to go back on your donation of the land you mentioned which you gave as Waqf (endowment) for Allah's Sake and handed it over to the competent authorities. We hope Allah will reward you greatly for that. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

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Fatwa no. 15214

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family, and Companions.

The Permanent Committee for Scholarly Research and Ifta' reviewed the request submitted to his Eminence the President of the Committee from his Excellence the head of Shari`ah Courts in Makkah, which was referred to the Committee from the General Secretariat of the Council of Senior Scholars, number (5343) in 16/10/1412 AH. The request was about the Waqf (endowment) of Musfir Al-Ghamidy, demanding to change its condition from being dedicated to establish a Masjid (mosque) to being dedicated for the benefit of the Masjid.

The request was referred back to his Excellence the head of Shari`ah Courts in Makkah in a letter number (3333) sent in 6/12/1411 AH to form a committee composed of representatives of the court, Endowment Department, the Committee for the Propagation of Virtue and the Prevention of Vice, and the Islamic Awareness in Hajj. The committee was to be responsible for inspecting the land, showing the distance separating it from the adjacent Masjid, and presenting a report about the land regarding the need of establishing a Masjid on it. The reply was sent in a letter number (3/934/63) in 23/2/1412 AH, with an attached report of the committee responsible for inspecting

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the Masjid. The following is the wording of the letter: On Monday 22/3/1412 AH, and in response to the letter of his Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz, the President of the Departments of Scholarly Research and Ifta', number (2/333) dated 6/12/1411 AH requesting the inspection of the land endowed by Musfir Al-Ghamidy to establish a Masjid on it, which is located in the mountain pass of `Amir, Khandamah Mountain (Sudan Mountain), to decide on the need of establishing a Masjid on it, show the distance between it and the nearby Masjid, and prepare a report on this, we - the undersigned - the representatives of the Grand Court of Makkah, the Committee for the Propagation of Virtue and the Prevention of Vice, the Islamic Awareness in Hajj, and the Endowment Department, inspected the specified land and found the following:

1. There is no need to establish a Masjid on the land of Musfir Al-Ghamidy, which he dedicated as Waqf according to the document issued by the Court of Makkah, number (3/31) in 22/1/1408 AH. This is because there is the Masjid of Al-Sa'igh at a distance of one street, five meters in width, away from the land.

2. The Masjid close to the specified land was inspected and it was found that

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it is a fully equipped Masjid with a Musalla (a place for Prayer), bathrooms, and a furnished room.

Peace and blessings be upon our master Muhammad, and his family, and Companions!

After studying the matter, the Committee answered: The owner of the land should sell it and use the money in maintaining another Masjid that needs maintenance, because the land is no longer one of his properties after being dedicated as Waqf. May Allah accept his deeds and double his rewards! May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family and Companions.

The Permanent Committee for Scholarly Research and Ifta' reviewed the request submitted by his Excellence the Judge of Uhud Rufaydah Court in the letter number (599), which he sent in 21/8/1391 AH to his Eminence the Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance, which was referred to the Committee from

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the General Secretariat of the Council of Senior Scholars with the number (98) in 18/1/1392 AH. After studying the matter, the Committee found that it included a Fatwa request submitted by Sa`id ibn Rakban and his family. The following is the wording of the request:

We are the family of Humaydan, who live in Al-Samkhiyyah village in the region of Rufaydat Qahtan. There is a razed Masjid (mosque), which we cannot rebuild from our own pockets since we are poor. My name is Sa`id ibn Rakban and I am a member of the family of Humaydan. I would like to inform you that there is a Waqf (endowment) for the Masjid, which is a piece of land bequeathed by our grandfathers and remains until the present day. However, this land has neither been cultivated nor used for about fifty years. Due to our urgent need to rebuild the Masjid, we all agreed on selling the land and using the money to rebuild the Masjid. In case the Masjid needs repairs that are more than the value of the sold land, we are committed to pay for the remaining expenses from our own pockets to finish rebuilding the Masjid. Is it permissible to sell the land dedicated as Waqf for the reasons stated or should we leave the land and the Masjid as they are and offer Salah (Prayer) at home?

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The Fatwa request was referred from his Eminence the Deputy Mufty (Islamic scholar qualified to issue legal opinions) with the number (1/1535) in 10/5/1391 AH to his Excellence the Judge of Uhud Rufaydah to investigate the matter and the statements of the inquirers. His Excellence replied in a letter number (599) in 21/8/1391, and the following is the wording:

The sub-headman of the village, Husayn ibn Mansur Abu Sab`ah, and two notables, `Aly ibn Ahmad Abu Mufayid and Mushabbab ibn Mansur Abu Mufayid, were summoned and asked about the land, its area, whether its neighbors are thinking of buying it, its value if it is offered for sale, and whether it will be of benefit for the Masjid if it is not sold.

They answered that the land dedicated as Waqf for the Masjid of Humaydan's family has been barren for many years. It is thirty-seven meters long and seventeen meters wide. Its neighbors may desire to buy it, but not for the present time; and some of them are

absent and have barren lands themselves. The land costs three thousand riyals, but we cannot estimate its cost if offered for sale in an auction. Remaining as it is, it will not avail the Masjid since it has been barren for almost sixty years.

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In addition, it gives no benefit because of the barren adjacent lands.

After studying the matter and what the judge stated, the Committee gave the following answer: Since this land is dedicated as Waqf for the Masjid and it is useless, and since the Masjid needs reconstruction and none can afford for its expenses, and since it is said in the letter signed by Sa`id ibn Rakban and his family that they are willing to reconstruct the Masjid from the value of the land, it is permissible to sell the land and use its value for the specified purpose. If the value of the land is not enough to complete the Masjid's reconstruction, then those committed to reconstruct it are obliged to carry out their duty. To protect the value of the land, his Excellence the Judge of Ahad Rufaydah Court is required to offer it for sale, receive its value, use it in reconstructing the Masjid, look after its reconstruction, and take the remaining expenses from the people committed to pay for this. This is to be signed accordingly. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 19864

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family and Companions.

The Permanent Committee for Scholarly Research and Ifta' reviewed the letter submitted to his Excellency the Mufty (Islamic scholar qualified to issue legal opinions) by the Head of Islamic Affairs office in Riyadh, `Abdullah ibn Muflih Al-Hamid, with the number (6/19/6883), which was referred to the Committee from the General Secretariat of the Council of Senior Scholars with the number (3177) in 30/5/1418 AH. The letter asked the Mufty to examine the request of the Imam (the one who leads congregational Prayer) of Ibn Sanad Masjid (mosque), which is located in Al-`Uwaydah neighborhood, Al-Rayyis street, Riyadh, to turn a land endowed for expanding the Masjid into a bathroom and to expand and improve the Masjid's northern entrance.

The Permanent Committee studied the request and reviewed the attached report prepared by the committee being formed for that purpose. Members of this committee were the supervisor of Masjids in Riyadh, `Abdullah ibn `Ayar Al-`Usaymy, a researcher in the Endowments Department, Khalid ibn `Aly Al-Shalil,

and an engineer in the Project Department, Muhammad Abu Diba`. The Committee report stated the following:

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family and Companions.

The Head of Islamic Affairs office sent a letter number (4417) in 25/3/1418 AH - which stipulated forming a committee composed of an engineer in the Project Department, the supervisor of Masjids of Al-Rayyis street, and an inspector in the Endowments Department - to study the submitted request of turning a land endowed for expanding Ibn Sanad Masjid, which is located in Al-Rayyis street, into a bathroom. Accordingly, the Committee examined both the Masjid and the land and found the following:

1. The Masjid indeed needs expansion or construction of new and large bathrooms.

2. Most of the Masjid's attendants have different nationalities, which stresses the need for a large bathroom.

3. The Masjid has an area of 260 square meters.

4. The Masjid should have an entrance of not less than two meters in width to the east of the endowed land, so that it would have a spacious entrance,

especially that the southern entrance is narrow.

5. The Masjid has a bathroom (3.20 × 3 meters), including three small toilets and four basins for Wudu' (ablution), which means that it does not satisfy the needs of its attendants.

6. The committee recommends improving the northern entrance of the Masjid from the eastern side by building a wall, since this entrance is in a bad condition as it is crooked and made of clay.

Accordingly, the Committee recommends turning the endowed land into a bathroom since the Masjid needs one, but there is no need for expanding the Masjid. This is the Committee's opinion and recommendation and attached is the design suggested by the Committee.

After the Permanent Committee studied the Fatwa request, it answered: If the reality is as mentioned, there is no harm in using the endowed land for expanding the northern entrance of the Masjid from the eastern side, since its current entrance is narrow and crooked. The remaining area of the land is to be turned into a bathroom to fulfill the public interest and because it is difficult to use this land in expanding the roofed Masjid for the reasons already stated in the report and by the inspector

`Abdul-`Aziz ibn `Utayq Al-Mawwash. The latter offered Salah (Prayer) in the Masjid and inspected the location of the endowed land, then stated that the Masjid needs no expansion since more than half the area of the roofed part is not used for Salah. In addition, the Masjid includes a shady yard of an area almost equal to the area of the roofed part. Thus, it would not be much useful to use this land in expanding the Masjid. The inspector also stated that the land would lead to disturbance in the order of rows of those offering Salah if it is joined to the roofed part of the Masjid, because it is adjacent to the roofed part only in an area that is almost equal to half its northern side from the eastern direction and is not adjacent to all the roofed part. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19583

All praise be to Allah Alone, and peace and blessings be upon the one after whom there shall be no prophet.

The Permanent Committee for Scholarly Research and Ifta' reviewed

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the question submitted to His Eminence the President by the head of the Ministry of Islamic Affairs, Endowments, Da'wah, and Guidance in Riyadh, which was forwarded to the committee from the General Secretariat of the Council of Senior Scholars, no. 784 on 25/3/1418 A.H. The following is the text of the question:

"The people living in Al-'Aqiq district, in north Riyadh, asked the Riyadh municipality to give them some land on which to build a Masjid (mosque) with houses for the Imam (the one who leads congregational Prayer) and the Mu'adhin (caller to Prayer), from the public land shown on the attached map. The municipality agreed to give them 4,250 meters and a benefactor offered to build the Masjid and the houses for the Imam and Mu'adhin. As the land given for the Masjid was very large, the benefactor asked to be given 1,500 square meters in return for building the Masjid and houses. He wants to use this piece of land to provide Iftar (fast-breaking meal) for those observing Sawm (fasting), teach the memorization of the Qur'an, and to maintain the Masjid. We would therefore like Your Eminence to advise us about this and may Allah give you long life and reward you generously."

After studying the matter, the committee replied as follows:

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It is obligatory that the whole area should be dedicated for building the Masjid and its accompanying annex. It is not permissible to take a part of this area to be used for any other purpose, as it has been designated for the Masjid and its accompanying buildings and thus belongs to it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
Salih ibn Fawzan Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12875

Q: I would like to ask about an enclosed area that the owner wants to build a Masjid (mosque) on in the district Al-Naml Valley, Ta'if. The owner of this land submitted a request to the Ministry of Endowments, but it would not build it, because there were no documents and no building license for it, as there are many Masjids in that same area. The owner of the land now wants to sell it to someone who wants to extend his house onto it, and use the amount paid for it to build another Masjid or to do charitable deeds. Is it permissible to do this? Please advise me and may Allah reward you with the best!

A: If the reality is as you mentioned, it is permissible for him to sell this enclosed area and then he should use the amount paid for it to build another Masjid.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4954

Q: i have a piece of agricultural land in Al-Shaqiq. I bought it and cultivated it. In the year 1370 A.H. I endowed this land saying, 'After I die this land shall become a Waqf (endowment) for the Masjid (mosque) of the village of Al-Munqati`ah, my birth place and for its well's facilities.' However, a good person built the Masjid in a modern architectural style after it had been built from straw. Also, the government, may Allah protect them, built the well and made a water network in the village and some of its suburbs. It should be noted that the land mentioned became waste during my absence. It remained unused for a long time, so I decided to sell it for 20,000 SR at the present time then build a Masjid in the village where I live now with its price, namely Qabilat Al-Ghabshah village. However, I delayed this until I seek your advice. I hope you will guide me on what to do. May Allah grant you success

in doing all that is good.

A: If the reality is as you mentioned, it will be permissible for you to sell the land you mentioned and spend its price on building the Masjid you intended to build. There is no harm in that, provided that it is all done through the legal court in your country. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The sixth question of Fatwa no. 820

Q 6: a person has a piece of agricultural land and it is a Waqf (endowment) for a Masjid (mosque) and it is close to the village. The person in charge of the Waqf needs it to build a house. He will buy another better and more spacious piece of land to be a Waqf for the Masjid. The land of the Waqf is barren while the land he will buy is watered from a well. Is it permissible for him to do so?

A: If the person who is in charge of the agricultural land is a Waqf supervisor, he does not have the right to use it; whether to sell or exchange it for another piece of land; either for himself or for anyone else unless it is all for the good and benefit of the Waqf. Moreover, this should be done under supervision of the judge who is responsible for legal issues in the village. If the person in charge is not a Waqf supervisor, it will not be permissible for him to

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use the land except under the supervision of the Waqf supervisor who in turn cannot use it except in the way that is mentioned above. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 11512

All praise be to Allah and peace and blessings be upon the one after whom there shall be no prophet.

The Permanent Committee for Scholarly Research and Ifta' has examined the request for a Fatwa (legal opinion issued by a qualified Muslim scholar) that was submitted to His Eminence the President by Nassir ibn 'Abdul-'Aziz Al-'Abdullah through the Tamir Court judge, and which was forwarded to the committee by the Department of Scholarly Research and Ifta', no. 4241, dated 8/8/1408. The questioner asked the following:

The Tamir Court questioned Nassir ibn 'Abdul-'Aziz Al-'Abdullah who answered that he had bought a plot of land in the Khalidiyyah district of Tamir, subject to the document issued by the Tamir Court, no. 209 dated 26/5/1402 A.H. After buying it, he came to the court before His Eminence Shaykh Ibrahim ibn Muhammad Al-Humaydan to establish the transfer of

the abovementioned plot of land to the Waqf (endowments) Authority, for a Masjid (mosque) to be built on it at his expense. He then signed the transfer document. However, the neighbors objected to a Masjid being built there, so he bought another plot of land and gave it to the Waqf Authority to build a Masjid on it, and this was attested to by the Waqf Authority delegate. The second plot of land was a substitute for the first, but the Waqf delegate was not present when the first plot land was signed over. The man now wants to dispose of the first plot of land and wants the land and its documentation to be returned to him. This is the description of the situation. We hope that Your Eminence will examine this matter and give us a Fatwa as to whether it is permissible for the man to repossess the land in question under these circumstances. May Allah protect you! As-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

After studying the Fatwa request, the committee replied: The man has a right to the first plot of land, as he provided a substitute for fulfilling the endowment's objective (i.e. building a Masjid), unless the first plot of land is more valuable than the second. This can be decided by an authority authorized by Your Eminence (the Tamir Court judge) to value them both. If the value is greater, the excess difference should be spent on the construction of the new Masjid or another Masjid.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 16658

Q 1: we have a farm that was given as a waqf (endowment) to the Masjid (mosque) in our village. Next to that farm is another farm, owned by one of the residents who donated it for use as a cemetery. Is it permissible to join the waqf farm to this cemetery?

A: It is obligatory for the Waqf to remain as it is, and its income given wherever the donor specified for it to go. If the benefit ends or it can no longer be used in the way specified by the Waqf donor, it is obligatory to refer the matter to the judge to resolve the issue. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 14997

All praise be to Allah Alone, and peace and blessings be upon the Final Prophet.

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The Permanent Committee for Scholarly Research and Ifta' has read the documents submitted by his Excellency, the Chief Justice of the Eastern Province, referred to the Committee from the Secretariat General of the Council of Senior Scholars under no. 3400 on 9/8/1411 AH. Those seeking a Fatwa (legal opinion issued by a qualified Muslim scholar) ask permission to move the Masjid (mosque) located in Rahimah city to a nearby place.

The question is referred to his Excellency, the Chief Justice of the Eastern Province, with letter no. 3305 on 5/12/1411 AH to advise. He answered with letter no. 550 on 19/12/1411 AH attached to the report of the deciding committee. It states: All praise be to Allah. Pursuant to the letter sent by his Excellency, the Chief Justice of the Eastern Province, no. 5681 on 12/5/1411 AH, based on the letter sent by the Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance no. 3305 on 5/12/1411 AH, regarding relocating the Masjid in Rahimah city, the issue was presented to the Permanent Committee for Scholarly Research and Ifta' which reviewed the documents and formed a committee of the

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Rahimah judge, notary, head of the municipality, and the director of the General Department for Endowments and Mosques to inspect the old and new locations.

On Sunday 17/1/1412 AH, a meeting was held in the court of Ra's Tannurah with the presence of Judge Muhammad ibn `Umar `Atin, the notary of Ra's Tannurah `Abdul-Rahman Al-Bazi`y, the head of municipality of Ra's Tannurah Ahmad `Abdul-Rahman Al-Thumayry, and the director of the General Department for Endowments and Mosques Sayf Ibrahim Al-Sayf. The members went to inspect the Masjid in person and after inspection; they decided there was no problem in moving it to the other place, bearing in mind that the new piece of land is larger than the old one on which the Masjid is built. The best interest of the population is to have the Masjid located in the new place and all members agreed and signed on that.

After the Committee reviewed the facts, it supports the committee's report and approves of exchanging locations based on the previous reasons. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman

`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 18050

Q: there is a large Masjid (mosque) with a large adjacent expanse of land that has been given to it as a Waqf (endowment). We would like to build an Islamic school there to prevent the Muslim children from going to schools established by non-Muslims, Mushriks (those who associate others with Allah in His Divinity or worship), and those who introduces Bid'ahs (innovations in religion). We will be able to teach students the 'Aqidah (creed) of Ahl-ul-Sunnah wal-Jama'ah (those adhering to the Sunnah and the Muslim main body) in this school. What is the ruling on constructing a school on this Waqf (endowment) land next to the Masjid?

A: The Waqf land belonging to this Masjid is a part of it; it is not permissible to change it and use it for a school, as this would change the use of the Waqf to a purpose other than that specified by the donor. However, you can teach the children in the Masjid or the area you mentioned next to the Masjid, without changing the Masjid and its land from its intended use. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 12985

Q 2: the municipality is preventing a society from building an Islamic center on a certain piece of land and is providing another spacious piece of land for the society. Is it permissible for the society to sell this land and the relevant things thereon to buy another piece of land and build a Masjid and an Islamic center on it in order to deliver education

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and provide Islamic activities?

A: If the municipality prevents building an Islamic center on a piece of land and provides another spacious piece of land instead to the society, it will be permissible to sell the first piece of land and all that is on it and buy a piece of land and build a Masjid and an Islamic center on it for delivering education and providing Islamic activities. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3912

Q: I am an old widow and I have a house in abu Dhar street where I live. I bequeathed one third of my estate and I would like to devote half of my house as Waqf (endowment) for seekers of knowledge of Al-Masjid Al-Nabawy (the Prophet's Mosque in Madinah). The rest of my estate remains for my one and only heir; my nephew. Unfortunately, this nephew of mine cuts the ties of kinship with me. He neither visits nor writes to me. He comes to Al-Madinah but does not visit me whether I am healthy or when I am sick! He has been doing this for many years! What is your opinion, eminent shaykhs?

A: It is permissible for you to devote all or part of your house to Waqf as long as you are healthy and of sound mind. It is important to mention that you can not withdraw the executed Waqf. Moreover, you are permitted to bequeath from your estate whatever you did not devote to Waqf provided that the portion is one third or less. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 373

All praise be to Allah Alone. Peace and blessings be upon the Last Prophet.

The Permanent Committee for Scholarly Research and Ifta' examined the question submitted by the Director of General Department for Endowments and Mosques of the middle and eastern provinces to his eminence Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance referred to the Departments from the General Secretariat of Council of Senior Scholars no. 1813, dated 9/11/1392 A.H. The question is:

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is it permissible to furnish the Masjid of Shaykh `Abdullah ibn `Abdul-Latif with a small part from the revenue of a Waqf (endowment) assigned for providing food to break the fast for the people of this Masjid who are fasting?

After considering this question, the Committee wrote the following answer: Since the Waqf is essentially assigned for providing food to break the fast for fasting people, it is not permissible to use it in furnishing the Masjid. Whatever remains after providing food for the fasting people of the Masjid has to be spent on providing food for fasting people of other Masjids in order to fulfill the intention of the endowers. The endowers' words have to be treated like religious texts in terms of interpretation and connotation. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

The third question of Fatwa no. 18419

Q 3: is it permissible for someone to take a carpet or anything else from a Masjid (mosque) by accident or otherwise and replace it with something better?

A: This is not permissible, as the carpet is a Waqf (endowment) for the Masjid, and it is not Halal (lawful) for you to dispose of it, even if it does appear to be beneficial to do so. You should coordinate this with the relevant authorities in the Masjid who would follow the Shar'y (Islamically lawful) procedure.

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May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 15651

Praise be to Allah Alone, and peace and blessings be upon the one after whom there is no Prophet.

The Permanent Committee for Scholarly Research and Ifta' has reviewed the letter presented to His Eminence the president from the judge of the court of Al-Nammas and referred to the Committee by the General Secretariat of the Council of Senior Scholars, no. 4754, dated 7/9/1412 A.H. His Eminence was asked a question reading:

We would like to inform you that on Monday, 28/8/1412 A.H., the former president of the court of Al-Nammas, Shaykh Abdul-Rahman bin `Aly bin Shayban brought with him a sum of money, 39 pounds in gold, 199 riyals in silver and 3,693 riyals in banknotes from the old currency, which is no longer used. He said that this sum

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was mentioned in the will of a man named Ahmad bin Abdul-Rahman Al-Faqih, also known as Judge Farraj, who died a long time ago. This man willed that the said money be used in supplying a water facility in the old Masjid (mosque) in Al-Nammas only. As water has already been supplied permanently to this Masjid, which has been restored, we seek Your Fatwa about what should be done with that sum of old banknote that is no longer used. Is it permissible to spend that sum for the benefit of other Masjids that need restoration or new facilities, and the like according to the intention of the deceased. May Allah protect you.

And after the Committee discussed the matter in question, it replied: According to the Shar`y (Islamically lawful) principles, which state that whatever exceeds the needs of a certain Masjid can be allocated to another, this sum should be spent on supplying water to another Masjid that needs this. Since this complies with the deceased's will, may Allah be merciful with him, we hope that Allah (may He be Praised and Exalted) will reward him. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 20444

Q 2: i found a broken-down water cooler near the Masjid (mosque), so i fixed it and placed it in front of my house near the Masjid. i intended it to be a Sadaqah Jariyah (ongoing charity) for its first owner, my father, my mother and myself equally. Please tell me: Is this permissible or not?

A: If the water cooler is dedicated to the Masjid or if its owner has intended it to be for the Masjid, you must return it beside it and you will be rewarded for fixing it. However, if the cooler has been discarded and thrown in the street, there is no harm in what you have done. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Revoking a Waqf

The fourth question of Fatwa no. 4603

Q 4: a Muslim has turned the ground floor of his building into a Masjid (mosque) for offering Salah but not the Jumu`ah (Friday) Prayer. If this Muslim wants to regain the ground floor and turn it into a shop or anything else other than the Masjid, is it permissible for him to do so?

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A: If a Muslim dedicates his ground floor to be a Masjid where Salah is offered and leaves it for people to pray in, it becomes impermissible for him to take back the floor, neither to turn it into a place of residence nor a shop. Similarly, it is not permissible to sell this floor, rent it, or dispose of it in any way, even if Jumu`ah prayer is not offered in it. The reason is that dedicating it to be a Masjid and leaving it for people to pray in makes it a Waqf (endowment) that is no longer in this man's possession. It is not to be sold, granted or bequeathed.May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16835

Q: I moved into a new house and after a while, i decided to turn a room in the house's courtyard that is almost 4 X 6 m and has a joint bathroom into a praying place. Bear in mind that i have not built a minaret for it. The room is on the ground floor and the upper floor is part of the neighboring apartment. When I am present, I pray in this room. But when I asked people about it, they said this room is not suitable for this purpose for many reasons. (i) It is part of the house's courtyard.

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(ii) This is not the most suitable place to build a Masjid (mosque), since it is not in a central area of the neighborhood. (iii) There is not much space outside my house, as there is a graveyard at the Qiblah (direction faced for Prayer towards the Ka`bah). The people of our neighborhood searched for a central piece of land to build a Masjid on it and - all praise be to Allah - a benefactor donated a land in a suitable place where we built the Masjid. We started praying in this new Masjid and I was one of the contributors in building it. My questions now are: Firstly, must I stop praying and offering congregational Salah in the previously-mentioned room, which I built to be a prayer room in the first place? Secondly, is it permissible for me to benefit from it in any way? Thirdly, should I lock it and make no use of it? Guide me in this matter, may Allah reward you!

A: If you have not pronounced the intention to turn the room in your courtyard into a Masjid and leave it for people to pray in and if you have not opened a door directly leading to it from the street inviting people to come to pray in it, then it is yours and it is still in your possession. It is part of your courtyard and you have the right to dispose of it as you do of any part of your property.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fourth question of Fatwa no. 16403

Q 4: a man let his land be used as a road and built his house beside it. after more than 30 or 40 years, his grandsons came and built a house on the land that their grandfather had let be used as road. What is the ruling on this case?

A: If someone lets their land be used by people as a road, intending it as a Waqf (endowment) or he announced it as such, it has become a Waqf. It is therefore not permissible for him or for his children to take it back. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	\`Abdul-\`Aziz Al Al-Shaykh	Salih Al-Fawzan	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

The sixth question of Fatwa no. 2922

Q 6: some Muslims bought houses and made them into Masjids (mosques). Do these buildings have the same ruling as Masjids? When Muslims move from this place to another, they sell

these Masjids and buy new houses. Sometimes, they divide the revenue from purchases among them. What is the ruling on this issue?

A: It is permissible for Muslims to purchase houses and turn them into Masjids. They will have the same rulings as Masjids such as respecting them, offering the acts of worship therein and practicing the remembrance of Allah (Exalted be He) as it should be. However, it is not permissible to sell or replace them with other Masjids except in case of necessity like if they are out of use. If they move to another place and there is no Muslim community left in the place they departed, it will be permissible to sell them and purchase other land and houses to turn them into Masjids in the places where they move to with the value of the sold Masjids. This is for the sake of public interest. It is not permissible to distribute their value to the founders or the poor because they are Waqf (endowment). Therefore, their value can not be benefited from except in purchasing or establishing others instead. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

The second question of Fatwa no. 8366

Q 2: A Muslim built a Masjid (mosque) and performed Salah (Prayer) in it all his life, until he died.

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After his death, his son pulled it down and built a house for himself to live in instead. Please let us know the ruling on this and may Allah reward you with the best!

A: It is not permissible for the son to pull the Masjid down that was built by his father; if his father let other people perform Salah at this Masjid. This is because the Masjid is considered as a Waqf (endowment), and a Waqf can not be inherited. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 1520

Q: His Highness Prince `Abdul-Rahman ibn `Abdullah Al Sa`ud promised to grant a free piece of land in Al-Dabi`ah town for building a school on. However, carrying out the promise of the prince is conditional on the permissibility of the latter's withdrawal of a previous promise of granting the same land for constructing a `Eid Masjid (a large mosque where the Festival Prayer is held) on. His Highness asked us to consult scholars regarding that matter; does he have to choose granting the concerned land for the `Eid Masjid to fulfill his earlier promise or grant it to the Ministry of Education for building a school on? It may be worthy mentioning that there is currently a Masjid (mosque) for Salat-ul-`Eid (the Festival Prayer) at the west of Al-Dabi`ah.

A: If His Highness, Prince `Abdul-Rahman ibn `Abdullah Al Sa`ud, has actually granted the concerned land for building a `Eid Masjid, it has to be allocated for that purpose and His Highness is not permitted to withdraw his grant. However, if he has

only given a mere promise to grant the land for building a Masjid on; it is preferable for him to fulfill this promise. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1511

Q: Sa'id donated a small piece of land as a Waqf (endowment), intending the produce to be used as Sadaqah on the night of the 27th Ramadan (i.e. the night before it, as in the Hijri calendar the night precedes the day). After he died, the land was taken over by his son, Salim Sa'id, who carried on with it as usual. After Salim passed away, the grandson Muhammad took it over it and carried on with it as his grandfather and father had. After Muhammad passed away, his two sons took it over it and carried on with it as their father, grandfather and great-grandfather had. These two great-grandsons each have three children. Is it permissible for these great-great- grandsons to divide this piece of land among them and for it to be considered as an inheritance between them or must it remain as a Waqf (endowment) generation after generation?

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A: If the reality is as you mentioned, it is not permissible for Waqf land to be inherited and divided among heirs, even if the purpose for which the Waqf was granted has been changed. This land has to remain as a Waqf and its income should be spent on charitable matters that need money spent on them, but do not have other sources of income, such as on repairing, restoring, and building Masjids (mosques) or providing water and furniture for them; providing public utilities that people living in this area are in need of; giving Sadaqah (voluntary charity) to the poor, especially to the relatives of the donor of the Waqf; and so on. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 11930

Q: a person is asking about the ruling on taking back a piece of land, which he donated to establish a Masjid (mosque) even by purchasing it because the Ministry of awqaf (endowment) is in no need of this piece of land.

A: It is not permissible to take back the land which you gave as Waqf even by purchasing it because you gave it for the sake of Allah (Exalted be He). However, it may be sold to someone other than the endower. It is authentically reported (that `Umar (may Allah be pleased with him), gave a horse in charity to be used in the cause of Allah. It had been given to him by Allah's Messenger (peace be upon him). `Umar gave it to another man to ride. Then, `Umar was informed that the man put the horse up for sale,

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so he asked Allah's Messenger (peace be upon him) whether he could buy it. Allah's Messenger (peace be upon him) replied: You should not buy it, for you should not take back what you have given in charity.) Related by Al-Bukhari. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1307

Q: A man endowed a large plot of land in 1372 A.H., while he was in good health, to be a graveyard for the residents of Muhayyl Tihamah, `Asir. However, no one has been buried there until now. The said person retired in 1386 A.H, and he has no other land, except an accommodation for himself and his family. Is he entitled to restore his Waqf (endowment), or part of it?

A: He is not permitted to restore the land he donated as Waqf, or even part of it, because it is not in his possession anymore; rather, it has been allocated for the purpose of its donation. Therefore, if there is a need for it as a graveyard, it should be used as such; otherwise it can be sold and the price is used in building a graveyard in another place. This should be done under the auspices of the judge of the district where the endowed land is located. His problematic financial status after his retirement is not an excuse for changing his mind about the land he donated. I ask Allah to reward him and compensate him with that which is better.

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Waqfs (endowments) pertaining to cemeteries

The first question of Fatwa no. 1202

Q 1: some benefactors donate a roll of cloth as Waqf for making shrouds. If a person dies and his family does not have a shroud at that time, they may take what they need from this roll and make a shroud for their deceased as a loan. Later on, they should return an equal part to the one they took. What is the ruling on this action?

A: The Committee sees no harm in this action and this kind of Waqf (endowment) is included in the meaning of Waqf and its rulings. This Waqf resembles assigning a sum of money; gold, silver or something similar, to lend the needy then having it returned. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Mani\`	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

(Part No. 16; Page No. 98)

Fatwa no. 16066

Q: I have a generous uncle who endowed a large piece of land in our village Al-Bakiriyyah. He endowed it to be a cemetery for all Muslims. The land is very spacious and in a good location. After that a good person suggested that he excludes a small piece of the land to be invested and its revenue to be used as a Waqf (endowment) for the cemetery and other charitable activities. This small piece of land would be handed directly to a Charitable Society in Al-Bakiriyyah to be in charge of it and to supervise it because this will be of great benefit to the cemetery and other charitable activities. It should be noted that this small piece of land will not affect the area of the cemetery which is large. Now, he wants to have Your Eminence's guidance and know the ruling on this. We appreciate your advice! May Allah reward you for doing all that is good for all Muslims!

A: it is not permissible for a person who endows a piece of land for a cemetery to take part of it to be used for another purpose. In fact, it should be used as a cemetery for all Muslims just as he intended in the beginning, because it is authentically reported from the Prophet (peace be upon him) that he said to `Umar (may Allah be pleased with him) when he asked him for advice as regards his land in Khaybar: ﴾Give it in charity (i.e. as an endowment) with its land and trees on the condition that the land and trees shall neither be sold nor given as a present.﴿

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16624

Q: We are from Yemen, but we live in Saudi Arabia. Over fourteen years ago, a school was established in Yemen on a land belonging to a cemetery. The school serves the people from our village and the neighboring villages, and it now exceeds its capacity as the enrolment increases every year. A new charitable society has been established in the district to serve the Book of Allah and the Sunnah of His Messenger and to help the needy as much as possible. To draw nearer to Allah (may He be Praised and Exalted), a benevolent person made a donation to this society to establish an additional class for the school. Another benevolent person donated a piece of land to this society, about 500 meters away from the current school as a Waqf (endowment) for the Sake of Allah. The problem is, if we build a classroom on the new Waqf land, it will be very difficult for the teachers to get to it, and the society can not afford to pay the building costs of another complete school on this land. The school is in dire need of this new class, due to the number of students crowded into the school. My question is:

Is it permissible to add the donated class to the school that is already established in the cemetery? Please advise us and may Allah reward you!

A: It is not permissible to use a cemetery to establish a class or anything else. It is obligatory for the cemetery to be fenced off to avoid abusing the graves through any use, because the sanctity of a Muslim remains after death the same as when alive. The Prophet (peace be upon him) forbade sitting on graves or showing any type of disrespect towards them. Therefore, it is obligatory for the school to be moved to another place where there are no graves. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The eighth question of Fatwa no. 18891

Q 8: what is the ruling on building schools on graveyards and roads?

A: The basic rule is that cemetery land is for those buried therein; it is not permissible to take a part of the land or to build houses, schools, etc., on it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 20038

All praise be to Allah Alone, and peace and blessings be upon the one after whom there shall be no prophet.

The Permanent Committee for Scholarly Research and Ifta' reviewed the letter that was sent to His Eminence the General Mufty (Islamic scholar qualified to issue legal opinions), from His Excellency the Minister of Islamic Affairs, Endowments, Da'wah and Guidance, no. 5/3/1735 on 12th Shawwal, 1418 A.H., which was forwarded to the committee by the General Secretariat of the Council of Senior Scholars, no. 6266 on 24th Shawwal, 1418 A.H. The letter from His Excellency reads as follows: "Your Eminence the General Mufty of the Kingdom of Saudi Arabia, Chairman of the Council of Senior Scholars and Departments of Scholarly Research and Ifta' - may Allah protect you. As-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you):

I ask Allah to always keep you in good health and well-being. I refer this matter to you from the north of the Dhruma Governorate. There is a place called Al-Sabiliyyah, whose owner, Ibrahim ibn Sulayman Al-Sayyary, has created it as a Waqf (endowment) to be used to make adobes for a cemetery, on the condition that if the current cemetery becomes full that he is to be buried in the aforementioned place. The Ministry of Islamic Affairs, Endowments, Da'wah and Guidance issued a title deed clarifying this from the Court of Dhruma, no. 62 on

29th Rajab, 1411 A.H. This land has become now within the governorate and its soil cannot be made used to make adobes any more and there does not seem any need up to now to use it as a cemetery. A proposition was made to invest in this land and use its income for graveyards. I hope that you will advise me about the permissibility of doing this."

After having studied the question, the committee answers as follows: The original ruling on a Waqf stipulates that it is obligatory that the condition laid down by the donor is to be carried out as specified. It is not permissible to use it in a way that contradicts the conditions set by the donor or the objectives that the donor intended to be met from the Waqf. As the donor made this land a Waqf to make adobes for graveyards, and made it a condition that if the public graveyard has become full that he is to be buried in the aforementioned land, and as the land's soil cannot be used now to make adobes, it is to be left until the current graveyard is full. It is then to be used as a cemetery when it is needed, whereby the condition laid down by the donor is fulfilled and it also realizes the higher aim he set for this land, i.e., to make it a public graveyard where he can be buried. This will widen the scope of its benefit and he will be rewarded for it, if Allah wills. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Waqfs consecrated for sacrificing animals

Fatwa no. 16004

Q: My father had a Waqf (endowment) house in Al-Hariq that became damaged, so we sold it, with the consent of the court, and bought a clay house in Al-Hawtah instead. Then I submitted a request to the court to sell it, due the uselessness of clay houses. His Eminence agreed and we sold it for 60,000 Riyals. Due to the low price we got for it, the head of the Court of Al-Hawtah, Shaykh 'Abdul-'Aziz ibn Humayd, suggested using the amount to build or to help build a Masjid (mosque). As the basis of the Waqf was for slaughtering sacrificial animals and offering their meat for free, he recommended that I should seek your opinion. is it permissible to change a Waqf donor's bequest and use it for a Masjid? The money is now deposited in a bank awaiting your instructions. Please advise us and may Allah reward you with the best! Wal-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!).

A: The Waqf is to remain as it is and be invested in a property that accrues a profit, even if there are other partners in it, who should each receive his respective share of the house, store, or palm-trees, to carry out the will of the Waqf donor.

The Waqf should not be transferred to be used for a Masjid, as this contradicts the will of the donor and removes it from the purpose of what it was intended for. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	\`Abdul-\`Aziz Al Al-Shaykh	Salih Al-Fawzan	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 19087

All praise be to Allah alone and peace and blessings be upon the one after whom there shall be no other prophet.

The Permanent Committee for Scholarly Research and Ifta' has read the question sent to His Eminence the Mufty (Islamic scholar qualified to issue legal opinions) by the judge of the court of South Khaybar. The question was sent in letter no. 1548 on 5/8/1417 A.H., which was referred to the committee from the General Secretary of the Council of Senior Scholars in letter no. 4433 on 12/8/1417 A.H. The text of the question is:

Q: A man called Mubarak 'Awadah Hazmy came to us asking for a Fatwa (legal opinion issued by a qualified Muslim scholar) on his intention to make a Waqf (endowment) of part of his sheep to be slaughtered annually on his behalf every year as an Ud-hiyah (sacrificial animal offered by non-pilgrims). He wanted to make this applicable after his death. May Allah protect you and benefit the Muslims through you and increase your reward!

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After having studied the Fatwa request, the committee answered as follows: It is permissible to make a Waqf of animals and it is valid to suspend the Waqf until after the death of the donor. It should be from one-third of the property, because it has the same ruling as a bequest. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 18437

Q: I would like to inform you that I have given the house which is located on the piece of land no. 222 in the plan of Marrat as Waqf. This house is mine according to the title issued from Marrat municipality no. 143 in 9/11/1401 A.H.

I have devoted the building's revenue for the purchase of two sacrificial animals; one for my father and myself and the second for my husband and his father according to the title issued from the court of Marrat no. 127 in 27/12/1411 A.H. My son died after I had given the house for Waqf (endowment) and did not leave behind money or property as he was still a student in college. I would like to assign

a third sacrifice from the revenue of this house. Could you kindly advise me.

A: It is not permissible to make a third sacrifice to the previous two because the house is assigned only with the previous two sacrifices and for acts of goodness. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5693

Q: There is a farm known as (the farm of Aal Firtan). It is hard to irrigate this farm and it is in the village of Al-Murmidah, which is part of the land of Rabi`ah and Rufaydah, `Asir region. We inherited this farm from our family. For many years we have been in the habit of slaughtering a sheep on the fifteenth of Sha`ban. Then, we asked many shaykhs and scholars including Shaykh `Aly Al-Tantawy for a Fatwa on this and he told us that it is not permissible to do so. We have not slaughtered a sheep for two years. The Fatwa we had then was a verbal Fatwa. The people of the village opposed us and said it should be slaughtered on the fifteenth of Sha`ban, as it is a Waqf (endowment). I hope you will give us a Fatwa in this regard to convince the people of the village,

as they are still opposing me. May Allah reward you best for doing good.

A: It is permissible to slaughter a sheep from the revenue of the Waqf (endowment) at any time of the year most especially during the blessed days such as the days of Ramadan and the month of Al-Muharram. However, it is not permissible to specify the fifteenth of Sha`ban for slaughtering the sheep. As regards the Waqf itself, it has to be referred to the court in the area where it is located. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Second question of Fatwa no. 18494

Q 2: I endowed a property and the Waqf (endowment) paper reads as follows: 'I endow the land and the building of the store whose boundaries and space are mentioned. The roof of the building is not included in the Waqf. Rather, it remains under my ownership. Half the income from the roof is to be allocated for offering four sacrifices on behalf of my grandfathers and my parents after their death while any extra value should be spent on charitable ways of disposition according to the discretion of the attorney. On the other hand, the revenue of the other half should be spent regularly on offering a sacrifice on my behalf, while any extra value should be spent on charitable ways of disposition according to the discretion of the attorney, provided that I keep the exclusive right of selling the property, exchanging it with another property, or moving the Waqf thereof to another property whenever I see this beneficial. No person or authority has a right to object to the foregoing and I am the attorney of the concerned Waqf as long as I am alive'. Is such a condition of sale or disposition considered valid that can not be opposed by anybody or any Shar`y (Islamic legal) impediment?

A: In case such a Waqf is carried out during your lifetime, it is impermissible for you to sell the concerned property or change the assignment thereof. however, the ruling on Waqf which is conditional to the death of the endower is similar to that of Wassiyyah (will) i.e. it is permissible to withdraw it or move it to another property during the lifetime of the bequeather. Finally, the condition that the endower should act as the attorney during his lifetime is valid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4955

Q: My late father (my Allah be merciful with him) bought a shop on the main street in the district of Banu Tamim. However, this shop was demolished by the municipal authorities and we received 16,850 riyals as compensation, which is insufficient to buy another shop. We do not know what to do with this sum of money? We ask Your Eminence to tell us what to do in this regard. How should we handle this money? Is it permissible for us to

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use this money to build water closets for the mosques? Is it permissible to use this money in building a Masjid (mosque), taking into consideration that one of the citizens asked us to give him the sum to build a Masjid, but only the Imam and the Mu'adhin (caller to Prayer) offer Salah (Prayer) in it? Kindly give us your Fatwa in this regard. May Allah reward you the best.

A: You should try hard to use this amount of money in a property or to share the ownership of it in your district or elsewhere. You should use its revenue in the purposes intended by your father. This could be done with the help of the judge of the district in which you want to buy a property. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 20439

Q: There is an old clay building near an educational institute in Houtat Banu Tamim governorate. The building is no longer in use. An Ud-hiyah (sacrificial animal offered by non-pilgrims) is slaughtered yearly as Sadaqah (voluntary charity) while the remaining revenue of the building is spent on the

(Part No. 16; Page No. 110)

public fountain as stated in the attached document. The heirs donated this building for the purpose of expanding the institute and assigned it as Waqf (endowment) for students. The institute is in dire need of expansion, as it is located on the edge of a valley where floods have struck the institute several times, destroying the furniture and property, and causing landslides. We are afraid that cement blocks may collapse, may Allah forbid. The only solution to rescue the building is to annex this old building, which is located on raised land that is higher than that of the valley. It is located in the eastern street of the public fair. The public fountain is no longer in use, but we will turn it into a bathroom and a place for performing Wudu' beside the institute's fence. In the name of the staff members and the students, we ask Your Eminence to consider our situation and give us your legal opinion regarding setting up this building as Waqf for the institute and the students.

(Part No. 16; Page No. 111)

A: it is not permissible for the person entrusted with administering the affairs of Waqf to donate it, or to assign it for a purpose other than that which was defined by the person who made it. This is because his or her terms and conditions must be fulfilled. The Shari`ah court is the only body that can decide the issue of transferring the Waqf to something else or to something more beneficial after it is no longer in use. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2326

Q: A woman had a house in a village known as Al-Sulamiyyah in Al-Kharj. She donated it as an endowment for her and her son who died before her. Then, she died and no one inherited her except her daughters and a paternal kinsman. One of the daughters is in charge of the house. Because the house needed restoration, she restored it entirely from her own money. She wants to join her mother and brother in the Waqf (endowment) for the sacrifice. Her other sister does not mind that. is it permissible for her to join them in return for the money she spent on the restoration of the house? We appreciate your advice. May Allah reward you best and peace be with you!

(Part No. 16; Page No. 112)

A: If the money that was spent on the restoration of the house was not a donation from her and she spent the money with the intention of joining her mother in the Waqf, it is permissible to join them in the Waqf with the money she spent on it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Endowment for inheritors

Fatwa no. 1410

Q: My father, `Abdul-`Aziz Al Husayn passed away in 1387 A.H. Among his private documents, I found a document stating that he had given a tree to one of his daughters as Waqf. This girl died at an early age. The document is dated 1364 A.H. and the girl was born in 1332 A.H. and died when she was 13 years old. The question now is:

1- is it permissible to assign Waqf (endowment) for minors?

2- If it is valid, is it permissible to single her out without her sisters; taking into consideration that her siblings

(Part No. 16; Page No. 113)

at that time amounted to almost eight males and females?

3- If that Waqf is valid, should it be added to the third of the will or is it something separate?

A copy of the document is attached to my letter.

A: After having perused the document, the Committee holds the view that the Waqf which the questioner mentioned is valid. Its outcome should be spent in the ways of goodness such as `Ashayyat (plural of `asha' i.e. dinner) which is served to the poor at night in Ramadan and for offering sacrificial animals. This document is certified by Ibrahim Al-Duhaym Al-Husayn and was written by Ibrahim ibn `Ubayd `Al `Abdul-Muhsin. Therefore, the Committee finds no reason to call it invalid and cancel the Waqf. The tree should be separated and should not be included in the third of her father's will as the questioner mentioned. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4412

Q: A man has a number of sons, some from his wife and others from slave women. he wants to dedicate two-thirds of his land and real estate as Waqf (endowment) for the slave women and their children and not the other sons. Is this permissible?

A: It is not permissible to make a Waqf for some sons and not others, as this Waqf will be unjust and it was declared Haram (prohibited) by the Prophet (peace be upon him) who said, ("Fear Allah and treat your children fairly.") (Agreed upon by Al-Bukhari and Muslim) May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 15326

Q: My maternal grandfather, 'Abdullah ibn Sa'd Al-Sinidy, died and left a small house in Shaqra' and some money. The money was distributed among his heirs; his three daughters and his brothers, but he made his house as a Waqf (endowment) for any of his daughters who are in need. This can be seen from the attached copy of the house document, which includes the text of the Waqf.

(Part No. 16; Page No. 115)

This house was expropriated in two stages and around 100,000 Riyals was given to me in compensation for this house by the court, after appointing me as a supervisor of this Waqf. Only one of my grandfather's daughters is alive, my mother, and she - all praise be to Allah - does not need to live in this Waqf house. I have therefore invested the value of this Waqf and slaughter one Ud-hiyah (sacrificial animal offered by non-pilgrims) on behalf of my grandfather every year, according to the text of the Waqf. I add the rest of the revenue to the capital and invest it.

The question: is it permissible for me to spend the remainder of the revenue from the Waqf, after the Ud-hiyah, on charitable acts, such as Jihad (fighting/striving in the Cause of Allah), building Masjids (mosques), and repaying my brother's debts? May Allah grant you blessings in your life and benefit others with your knowledge!

A: You should exert efforts to buy a house to replace the Waqf that was expropriated. This new house should be a permanent Waqf. After buying and renting the new house, you can use the revenue from the rent to buy the Ud-hiyah mentioned in the will. Whatever remains from the revenue should be spent on charitable deeds and doing good, such as helping to build Masjids, giving Sadaqah (voluntary charity) to the poor and the needy, and supporting the Mujahidin (those striving/fighting in the Cause of Allah). You also have to pay for the maintenance and construction required for the Waqf. And Allah knows best! May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11715

Q: my son and daughter died, may Allah be merciful to them, and I own a piece of land. Is it permissible for me to make a Waqf (endowment) on their behalf? I intend to build two houses on this piece of land. A house for each of them and the revenue of each house shall be spent on offering a sacrifice, Hajj, and good deeds on their behalf under the supervision of an authorized agent intending that the reward goes for them. I have also declared another house as Waqf and joined them with me. I need to divide the piece of land I have and build a house for my son and daughter to a be Waqf for them. It should be noted that the potential heirs oppose this and say it is not permissible for me to do so, as this is considered an impermissible gift. I need to have a written Fatwa in this regard. May Allah reward you best! If it is permissible for me to do so, will it be permissible for me to move to another land before I build the houses. I intend to build the houses in a better place so as to offer them for rent for the benefit of the deceased persons. It should be noted that I have already declared the piece of land as Waqf. I need the Fatwa of his Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz. May Allah grant him success in doing good!

A: If the reality is as mentioned, it is permissible to assign the mentioned land as Waqf for your son and daughter and spend its revenue on good deeds such as Hajj, sacrifice, and Sadaqah (voluntary charity) and doing so on their behalf so the reward will be for them.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 87

Q: The will of Shuwai`ah bint Husayn ibn Saqan, made under the testimony of two witness, states that she endows her share which she bought from Jawharah bint Faisal in the property of Sulayman ibn Mubarak which is supervised by Al-Shumai`y. Her sons and their offspring should buy an Ud-hiyah (sacrificial animal offered by non-pilgrims) from the yields of this share to be offered on behalf of her and her parents. When they are needy, there is no harm in them eating from the Ud-hiyah. End of quote. As per the instructions stated by the testate, the yields were divided among the first and second generations. But, those generations passed away leaving children, how are the yields divided among them?

A: Since the testate mentioned that if anyone among her sons and grandsons is needy, he or she is allowed to eat from the Ud-hiyah, the same applies to the offspring of her grandchildren. The needs of the poor among them should be met, and the rich have no right to take from the yields which, in this case, should be spent in charity. This is what is approved and signed by the testate.

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May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 467

Q: a person assigned for his children a Waqf (endowment) that has revenue. It is mentioned in the Waqf document: When one of my daughters needs to reside at the house, she may do so. He also bequeathed that two sacrificial animals shall be offered out of its revenue; one for him and one for his deceased parents. If their offspring need money, there is no harm on them if they do not offer the sacrificial animals. A man asks: Shall they take from the revenue?

A: Since the endower (may Allah be merciful with him) stipulated the dwelling of this house according to the need of any of his daughters as well as stipulating that the offspring benefit from the Waqf according to their need, the daughter who is in need should be given what enables her to rent a proper house from the revenue and she shall be given her assigned portion of the revenue if her need is proved. The same shall be applied to Nasir and his daughters when the daughters of the deceased are not in need of the rest of the money after fulfilling their needs and offering the sacrificial animals. If one of them is in need, he shall be given a portion from the revenues, which fulfills his needs. If the need of one of them is more severe than the other, he shall be given more than them so as to fulfill his needs. As for the male children if

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they are poor and have children to support, his need and the need of his children will be taken into consideration because his children are included in the meaning of offspring. Some scholars said that the extra money of the revenue should be spent in charitable ways. Giving charity to a needy relative is one of the most important charitable ways and its reward is doubled because it contains charity and maintaining the ties of kinship. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
\`Abdullah ibn Mani\`	\`Abdul-Razzaq \`Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 17

Praise be to Allah alone, and may peace and blessings be upon the final Prophet.

The Permanent Committee for Scholarly Research and Ifta' has read the question submitted from the Head of Al-Bahah Court no. 4759, dated 6/11/1391 A.H. to His Eminence the Chairman of the Departments of Scholarly Research, Ifta', Da`wah and Guidance, which was referred by the General Secretariat of the Council of Senior Scholars, no. 2/39, dated 13/1/1392 A.H. The question is:

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Please find the plea of Muhammad ibn Ahmad Mahiyah Al-`Abbas, attached thereto is the report of his property which he wants to declare as a Waqf (endowment) by force of deed no. 152, dated 11/7/1391 A.H. in the way he referred to in his attached Waqf document. Please, Your Eminence, advise us concerning this application, as many similar applications are submitted to us, and we do not agree on them.

Having read the application of Muhammad ibn Ahmad ibn Mahiyah Al-`Abbas, we found the following text: "I would like to declare my property as Waqf and dedicate its revenue to my descendants. I have brought an official report and declared all my property, which is proved to be mine by force of the mentioned report, as Waqf, according to the stipulations mentioned herein. I would like you to have a look at the attached report, approve it, register it and issue a legal deed."

Having reviewed the question and the attachments, the Committee answred as follows: "It was mentioned in the Waqf document that Muhammad ibn Ahmad ibn Mahiyah declared in front of witnesses that he made all his property, including the house,

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in the abovementioned country located in Wady Al-`Abbas village, as Waqf to his son Ahmad ibn Muhammad ibn Mahiyah and his male descendants as long as they procreate. If one of them deceases, it returns to the nearest agnate relatives. If all of them decease, it shall be spent on Masjids (mosques), the poor and the needy. He shall provide support, clothing and accommodation in the mentioned house for those who are unmarried among his daughters, granddaughters and his son's descendants. As for those who are married or have dependent sons, they have a gift on every occasion as per the customs of the country. The grandsons of the girls have no share in this." This is an unjust Waqf, because he made Waqf to some of the heirs and deprived others. If he had declared all his property or more than one third of it as Waqf, it would also be unjust, because it entails depriving the heirs of their legal shares. This is considered transgression of the limits of Allah (Exalted be He). It is known to you that unjust Waqf should probably be banned and, therefore, we signed to this. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

(Part No. 16; Page No. 122)

Fatwa no. 577

Q: I want to endow my share in a property and other assets to my children for generations to come. I would like to know if any of my sons' wives are entitled to inheritance. If so, are any of my sons entitled to inherit their wives?

A: It is not permissible for a person to make all his possessions Waqf (endowment) for his children because this is unjust Waqf, because it involves depriving the wives as well as the lawful heirs from their legitimate legacy. Based upon that, any of the heirs who do not benefit is considered deprived of their legacy, and those who benefit from the legacy are deprived of lawful inheritance and the ability to have full control of their share of the legacy. This contradicts the sanctified Shari`ah. The lawful way is that the person makes a will of one third of his or her property to be spent on charitable avenues, and a share for his needy heirs. Nothing is wrong in that as it has been authentically proven in the two Sahih books of Hadith (Al-Bukhari and Muslim) (that the Prophet (peace be upon him) said to Sa`d when he asked whether he could donate all his money, "No." Sa`d said, "Then half?" He (peace be upon him) said, "No." Sa`d said, "One third?" He (peace be upon him) said, "One third and that is much.") It is also narrated by Al-Imam Ahmad, Abu Dawud and Al-Tirmidhi and said it is a Hasan (good) Hadith that the Prophet (peace be upon him) said: (No will must be made to an heir.)

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May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 255

Q: The questioner endowed a house to his two sons to the exclusion of his daughters. Now that the sons have grown up and are independent, the father wants to endow this house to his daughters until they get married; with the intention to later endow it to his younger children and so on. He wants to know if this kind of Waqf (endowment) is permissible or not.

A: This Waqf is impermissible because it is unfair that your sons, `Abdul-Rahman and Ahmad, are privileged while the daughters were excluded. The same applies if you change it to benefit your daughters until they are married then bequeath it to your young children afterwards. Doing so would deprive your sons `Abdul-Rahman and Ahmad of their right, as well as your married daughters. If you wish to establish a Waqf, the Committee recommends that you endow it to any charitable cause or to whomever is most in need amongst your children and their successors, males and females, without causing harm to any of the heirs.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 288

Q: A person has a wife, mother, sister, and a cousin who does not ask, help, or contact him. He owns a house and wants to set it up as Waqf (endowment) to his mother, his wife, and sister. After their death, the house goes to a charitable organization or a Masjid (Mosque). He wants to deprive his cousin of his right in inheritance. is this permissible?

A: It was narrated by Al-Bukhari and Muslim in their Two Sahih (authentic) Books of Hadith on the authority of `Umar ibn Al-Khattab (may Allah be pleased with him) that the Prophet said, (Actions are but by intention, and every person shall have that which he/she intended.) The questioner explicitly stated that he intends to deprive his cousin of his right of inheritance (in the future) and therefore his act is not permissible. Truly his cousin will not inherit now because all the money is spent on close family members, but the cousin might have the right to inherit the questioner in the future.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 19553

Q: I am a barren lady whose husband married a second wife and got children. All praise be to Allah Alone, I have gold and money that I would like to endow. I do not like to give any thing to my siblings or husband bearing in mind that I support myself for my husband does not provide for me and I pay the rent of the house. is it then permissible for me to endow everything that i have and deprive my husband and family of it?

A: It is permissible that you make an effective Waqf (endowment) while you are alive provided that it is spent on charitable ways of disposition and that your intention is not to deprive your inheritors of anything. However, if that Waqf is to be effective after you die, it is only permissible for non-inheritors within one third or less. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4631

Q: My grandfather said when he was alive: This goat is given as Waqf (endowment) for my children; its female offspring shall be for its mother and the male offspring shall be for my children who should not deprive me of this charity. This used to be the case throughout his life. After his death, my father succeeded him in the same way. After the death of my father, my paternal grandmother undertook the Waqf because my father passed away while I was still in the womb of my mother. When I grew up, I committed myself to the Waqf in the same way. When I became a young man and had a family, I entrusted them with one of the cattle owners and I pay charges for it. It is worth mentioning that when they reach two months of age, diseases inflict them and some of them die. Currently, they are only four and the person who tends them refused to continue grazing them. Now, I am a military employee, and I can not tend them nor can I find anyone to graze them in return for any amount of money. So, I am confused. I obtained all the information about this Waqf from my paternal grandmother during her lifetime. Could you please guide me to the best way of

getting rid of these sheep, for I fear committing sin in this regard.

A: If the reality is as you have mentioned, it is permissible for you to sell the sheep and spend their value in charitable ways such as building and maintaining Masjids. Keeping them in their first condition is unacceptable. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 810

Q: Before his death, his grandfather bequeathed his property, which was called "Fayd Suwayd" to be used to offer an Ud-hiyah (sacrificial animal offered by non-pilgrims) on his behalf. What remains after the Ud-hiyah should be inherited by his sons, Muhammad and 'Abdullah. The questioner says that Muhammad has passed away and he wants to know if his share of the remaining revenue goes to 'Abdullah or to Muhammad's heirs. Also, if 'Abdullah dies, will his share go to his heirs?

A: It appears to the committee that Muhammad's share, as he died after his father, should not go to his brother 'Abdullah or to his heirs, or to Muhammad's heirs. It is like a Waqf for a purpose that has come to an end and the donor has not specified any other recipient, it therefore becomes a discontinued Waqf and the opinion adopted by the committee on

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discontinued Waqfs is that their income should be used for charitable purposes chosen by the Wakil (legally accountable person who acts on behalf of another for a specific permissible matter). If one of the donor's relatives is needy, their needs should be met from the income according to the level of their need and relationship. But if the relatives are rich, none of them should be given anything from the income. If 'Abdullah dies, the ruling on his share of the income is the same as that of his brother Muhammad, because neither of them have a right in the essence of the endowment; they only have a right to benefit from the new income during their lifetimes. If there is still more new income after they die, they will not have a right to any share of it for having died before it is gained. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

changing the recipients of Waqf

Fatwa no. 16631

Q: Among the farms in our village, there are two Waqf (endowment) lands; one dedicated to the poor and the other to a Masjid (mosque). The price of selling both their yields or vegetables and fruits are divided between these two recipients; poor people and the Masjid. My father, may Allah be merciful with him,

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built another Masjid at his own expense before he died. This new Masjid - which my father built on a land near the endowed land - needs the finance that comes from the endowed land, since the old Masjid has become very far. The question is: Is it permissible to spend half of the Waqf money that goes to the poor in any other righteous way? Give us your Fatwa (legal opinion issued by a qualified Muslim scholar), may Allah grant you success!

A: You should abide by the stipulation of the person who made this Waqf and give the lands' yields to the specified recipients. Also, it is not permissible to spend it in any other way unless the Waqf is no longer beneficial, in which case the matter is referred to courts. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 125

In my capacity as the trustee of the inheritance of the mother of His Highness, King Saud (may Allah be merciful with him), I found among her inheritance some Waqf (endowment) documents. One of them is a building in Al-Muqaybirah, whose deed is attached. We have surplus revenue from this building after giving out the allocated amounts. The mother (may Allah be merciful with her) also left some Waqf houses for Imams (those who lead congregational Prayer) and Mu'adhins (callers to Prayer). Some Imams

and Mu'adhins came forward asking for these houses to be restored but we do not have the money to restore them. Is it permissible to restore the houses from the surplus revenue of the building?

After reviewing the documents, two main deeds were found; one is under no. 615/11 on 26/12/1380 A.H. which is the title deed of the previously-mentioned building. The deed is issued by the notary of Riyadh. The second deed is no. 533/8 on 17/11/1380 A.H. issued by the notary of Riyadh. The following is written at the end of it: "The revenues of this building are endowed by Wadha, King Saud bin Abdul `Aziz bin `Abdul Rahman Al Faisal's mother, to be used in buying four sacrificial animals." After stating the specified recipients of the sacrificial animals, it is written: "Anything that remains after that is for buying water and food for the fasting persons in Masjids (mosques)..." and 7 names of Masjids were written. This deed was written on 4/6/1385 A.H. and sealed by Shaykh `Abdul-Latif ibn Ibrahim (may Allah be merciful with him).

A: After the Committee studied the question and reviewed the two attached documents, it gave the following answer: After establishing the ownership and endowment of the building, its revenues are to be used first in fixing it and whatever remains is to be spent as stated in the will for buying sacrificial animals, water and food for the people in the mentioned Masjids.

If anything remains after that, and since the houses of Imams and Mu`adhins are Waqf as well, and since they need restoration works, it is permissible to restore the houses from the surplus revenue after executing what is in the will. Moreover, it is important to note that restoring these Imams and Mu`adhins' houses to keep the Waqf beneficial is more important than their current use. Based on that, and in order to preserve them in the future, it is better to dedicate an annual amount of money to them. The houses should be inspected at the end of each year and if they need any repairs, each house is repaired from its allotted annual money and the remaining amount is to be given to the inhabitant of the house. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 218

Q: my father owns three houses, their revenues are endowed to charitable activities. One French Riyal is taken annually from the revenue of each house to be paid to the teacher who teaches Qur'an to the boys, to the mu'adhin (caller to Prayer) and to cater an Iftar (breaking the Fast). The teacher and mu'adhin are now paid wages from the government. Should we pay them from the revenues as we used to do

or should we dedicate the entire Waqf to offering Iftar and giving Sadaqah (voluntary charity) to the poor?

A: Having reviewed the query and looked into the attached document of Waqf, the Committee replied as follows: Renovation and repair of these houses should take the highest priority. The said persons should be given the specified amount in the document from the remaining revenue. The wages received by the teacher and Mu'adhin from the government are not a good excuse to deprive them from their rights of receiving this value mentioned in the document. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
\`Abdullah ibn Sulayman Ibn Mani\`	\`Abdullah ibn \`Abdul-Rahman ibn Ghudayyan	\`Abdul-Razzaq \`Afify

Fatwa no. 259

Q: Somebody endowed an Athlah (a tree of hard wood) which is located in a very fertile land for maintaining a hand mill. However, when people gave up using hand mills; the wood of the Athlah started to go to a grinder. People then gave up using grinders as well. Anyway, four hundred riyals remain from the value of the wood of the concerned Athlah after repairing the hand mill, its housing, and the grinder. My father, `Abdul-`Aziz, who was the supervisor of the Waqf (endowment) passed away. I offered the remaining sum mentioned above to the head of my town, then to Al-Shaykh Sa`d ibn `Abdullah Al Al-Shaykh to decide how it should be spent but they both

refused to receive it. What should I do with it?

A: If the matter is exactly as you have mentioned in the question, the supervisor of the Waqf of the Athlah and its yield should allocate the foregoing for one of the public utilities that people need that nobody else has established or spent on. Examples of such public utilities are, water vessels by the doors of Masjids (mosques) or in public roads, artesian wells (either establishing or repairing them) so that people benefit from their water, or mending a Masjid (mosque) or buying straw mats or taps for it if nobody is in charge of this or that people can not afford for the Masjid's maintenance. However, if spending the sum in question or the value of the future production of the Athlah on one of the public utilities is impossible, this should be given in Sadaqah to the poor. Either way, you have to raise the issue of Waqf to His Eminence the Judge of your town to appoint an expert and honest supervisor. This supervisor has to manage keeping the Waqf and spending it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 19425

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family and Companions.

The Permanent Committee for Scholarly Research and Ifta' has read the letter that was sent to His Eminence the Mufty from His Eminence the Judge of Badr court under the number 114 and dated 18/01/1418 A. H. The concerned letter was transferred to the Committee by the secretariat-general of the Council of Senior Scholars under the number 509 and dated 25/01/1418 A. H. The letter reads as follows:

I would like to inform your Eminence that the big Jami` Masjid (a large mosque where Jumu`ah [Friday] Prayers are held) in Badr needs to be reconstructed and expanded and that we appealed to your Eminence to provide support. However, this letter is to inform you that there is a neighboring land to the western side of the Masjid that belongs to the Waqfs (endowments) of Al-Ashraf (descendants of the Prophet). The land in question is occupied by six stores which are rented for different citizens. The rent of each store is thirty five riyal per year. Any way, the wording of the Waqf paper is: "We permanently endow, confine, and give as Sadaqah (voluntary charity) the whole land which is mentioned above to the people of `Ubayd amongst Al-Ashraf of Badr; the males and females thereof and their successive generations etc."

The point is that we referred to the supervisor of the Waqf and he ceded this land for the sake of the expansion

of the Masjid. This land is of small area roughly no more than 9 × 25 meter longitudinally. It may be worthy mentioning that one part of the existent Masjid is built on the land of Al-Ashraf i.e. the Waqf mentioned above. I hope that your Eminence provide me with your beneficial answer: Is it valid and Shar`y (Islamically acceptable) that the supervisor of the Waqf cedes the land for the sake of the expansion of the Masjid or that all the beneficiaries should approve of it firstly? It is noteworthy that it is difficult to fulfill the foregoing prerequisite because of the great number of beneficiaries who are of different ages and genders and some of them are abroad. Provide us with the answer as soon as possible please. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

After the Committee had studied the question and read the copy of the attached Waqf deed, it answered: It is impermissible for the supervisor of the Waqf which is mentioned in the question and for all other beneficiaries to cede any part of the Waqf land for the mentioned Masjid or for any other purpose or person. This is because the concerned land is endowed to specific persons and it should remain confined equally to them. Such persons are Al-Ashraf of Badr amongst the people of `Ubayd; their males and females and the successive generations thereof etc. The cession of the supervisor of the Waqf or the approval of other beneficiaries does not render the cession valid for Waqf is a fixed contract that can not be sold, gifted, or inherited and one is not permitted to

dispose of it except in accordance to what the endower stipulated.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1506

Q: the grandfather of a person endowed the revenues of a piece of land for building a well. the Waqf (endowment) was transferred from the grandfather to the father (after the death of the former) and they both left no fortune but this Waqf. The well is no longer used since artesian water pipes are installed and used everywhere. Is it permissible to dispose of this land as we are in dire need of it?

A: If the reality is as you have mentioned that the well built from the Waqf money is no longer used, the land itself must remain under Waqf. The revenues of this land should be spent on activities which serve the public utilities for the benefits of the people living around the well. Examples of these activities include establishing a Masjid (mosque), building or renovating an establishment for memorizing Qur'an, helping the poor and needy, etc. Moreover, the poor relatives of the endower are the ones who deserve the aids taken from the land's revenues the most. There is nothing wrong with selling this land if it has small or no benefit, then to spend its value on another property that yields much income, but when the lawful benefit necessitates this and after receiving an approval from the judge of the district. In this case, the revenues of the newly purchased land [or property. Trans.] should be spent on

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the charitable activities mentioned above. As for the heirs of the endower, they are not entitled to benefit from this Waqf as it can never be inherited. However, they may take from the revenues [of the Waqf. Trans.] if they are poor and deserve charity.May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second and third question of Fatwa no. 2720

Q 2: i have seventy Riyals as Waqf (endowment) to be spent on the lamps of the Masjid (mosque). Now the Masjid is lit by electricity and the Ministry provides us with any electrical devices we ask for. is it permissible to buy electrical devices with the money i have instead of asking the Ministry to provide them? If the money I have is insufficient what should I do?

A: You should spend the money endowed for the lamps in the Masjid on buying electrical devices for the Masjid instead of asking the Ministry to provide them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 3: i have a Waqf (endowment) for feeding the fasting people in the Masjid (mosque). However, people are no longer interested in the food. Should i hire someone to prepare the food by adding lamb meat

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so that it becomes more tasty for the people, or should we distribute the food among the poor people who live next to the Masjid? Given that the Waqf is still on-going, what shall we do with it?

A: The purpose of Waqf for the fasting people is helping them break their Sawm (fasting) seeking the reward of a person who helps a fasting one break their Sawm. There is no harm in feeding them meat and hiring someone to prepare it from the Waqf income. However, it is impermissible to distribute it in the form of money on the poor people who live next to the Masjid. If there is no one to eat this food in the Masjid, it should be distributed among the poor people in Ramadan. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

The second question of Fatwa No. 6463

Q 2: if a legator defines certain acts of charity, such as offering 'Udhiyahs (sacrificial animals offered by non-pilgrims) and Hajj, and a remaining surplus of the Waqf (endowment) revenue is left, who would be entitled to it? Should Zakah be paid on it? Should it be evenly distributed among the male and female heirs?

A: The surplus resulting from the revenue of Waqf set aside for acts of charity must be spent in aspects of charity, unless otherwise stipulated by the legator.

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In this case, the stipulation should be implemented as long as it does not contradict the Shari`ah (Islamic Law). However, if the heirs are poor and needy, they (both men and women) can be equally given what fulfills their need from the remaining surplus; either men or women. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 6858

Q: there are a number of Waqfs (endowments) in the Al-Qasim area. The donors of these Waqfs stipulated that they should be used for charitable deeds. The Charitable Society for Memorizing the Qur'an in Al-Qasim is teaching the Book of Allah (Glorified and Exalted be He) and supervising Qur'an lessons given in Masjids (mosques). The society is in great need of financial assistance, because it is responsible for paying remunerations to the teachers and students, and this necessitates large amounts of money. We would therefore like to have a Fatwa (legal opinion issued by a qualified Muslim scholar) from Your Eminence that permits us to give these Waqfs to the Charitable Society for Memorizing the Qur'an. If you view this as we hope, it may encourage donors and Waqf Wakils (legally accountable people who act on behalf of another for a specific permissible matter) to

give their Waqfs or their incomes to this society in our area, to help it to carry out its mission in the way required of it. May Allah grant us all success in doing what pleases Him.

A: If the reality is as you mentioned and the donors of these Waqfs stipulated that the income from their Waqfs should be spent on charitable deeds, it is permissible to use them or part of them for the Charitable Society for Memorizing the Qur'an, to be used on the teacher's salaries or as rewards for the students, clerks, workers, and other things related to teaching Qur'an memorization and the science of the Shari'ah (Islamic law). This can be done after paying for the maintenance and repairs of the Waqfs from their incomes. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13235

Q: your Eminence, I am in charge of a Masjid (mosque) located in the village of Al-Surrah. There is a Waqf (endowment) that provides meals for people to break their fast. At the present time, we do not find anyone who deserves the revenue of this Waqf according to the usual tradition. Please, refer my question to the Department of Scholarly Research, Ifta', Daw`ah, and Guidance. May Allah protect you!

(Part No. 16; Page No. 141)

A: If there are no poor people in the Masjids in the village where the Waqf is made, the revenue of the Waqf shall be distributed among the poor people of the same village because the person who made the Waqf meant to help the poor. Distributing the revenue to the poor will serve this purpose. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1015

Q: my wife and I bought a she-camel and we each paid half the price. my wife intended the half which she owns for the sake of Allah (Exalted be He) and I did the same. my wife assigned her half as Waqf for her offspring from me, but they have died. After the she-camel had delivered a calf, I gave it to a grazer but it ran away. I estimated their value to be 450 Riyals. Now I do not know what I should do concerning the value of the calf as well as that of the mother.

A: The revenue of temporary waqf should be spent in charitable ways. This Waqf has come to an end with the death of its beneficiary. So, its principal shall remain and the revenue will be spent in

(Part No. 16; Page No. 142)

charitable ways under the supervision of the Waqf trustee. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 452

Q: A man's mother made a Waqf (endowment) that provides food for fasting people in a masjid (mosque) in their village. He says the Waqf is no longer serving its purpose and he intends to sell it to spend its money on restoring a masjid because there are few fasting people in the masjid.

A: If the reality is as mentioned by the person requesting this Fatwa, that the Waqf is no longer serving its purpose, then if the Waqf no longer generates revenue or there is no other means to pay to restore the Waqf, the supervisor of the Waqf may see the judge of his region to take his permission to sell part of the Waqf to pay for the restoration of the rest of the Waqf. As regards spending the revenue of the Waqf on other purposes than those specified by the endower, it is not permissible as long as the revenue is spent on a permissible purpose and as long as this purpose still exists. Since the person requesting a Fatwa mentions that there are few fasting people in the Masjid, it is not permissible to spend the revenue of Waqf on other than this purpose as specified by the endower.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1409

Q: the harvest of a piece of land is set up as Waqf (endowment) for Iftar (breaking the Fast) in Ramadan only. there is no one to take care of this Waqf except me. However, I work in a far place and no one can prepare the Iftar on my behalf. The people in our village are shepherds and they work in various places and do not gather except on Fridays and on the days of `Eid. If I prepare the food, I can not find anyone to eat it. Is it permissible for me to distribute the harvest to those who deserve it or to sell the harvest and buy dates and distribute it to those who deserve?

A: If the situation is as mentioned, that you are the only one responsible for this Waqf, that you cannot prepare the Iftar, no one can do this on your behalf and if it is prepared, you do not find anyone to eat it, it is permissible for you to distribute the harvest to the needy people in Ramadan or in the nearest village. It is also permissible for you to buy dates with its price and to distribute it to the needy people.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 534

Q: in the village there are farms that include specific amounts of grain that is allocated to feed people who are observing Sawm (Fast) during Ramadan. This has now been made as a Waqf, entrusted to the farmers, as no one goes to the Masjids (mosques) for food. The questioner asks: is it permissible to sell the grain and to buy dried dates with the proceeds instead and put them in the Masjid for the poor people to break their Sawm with?

A: If the reality is as mentioned by the questioner and no one comes to the Masjids to ask for the grain after it has been cooked, and there may be people in the Masjids who break their Sawm on dates, there does not seem to us to be any harm in selling the required grains from these farms and buying dates with their proceeds, which will be put in the Masjids mentioned in the wills for the poor who have been observing Sawm to break their Sawm with. This should be done under the supervision and with the permission of the judge, as he is the person legally responsible for taking care of Waqfs.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

waqf of mortgaged property

Fatwa no. 17196

Q: A man came to us saying that he had a two-story property, which he had built on a loan from the Real Estate Development Fund and he wanted to make it a Waqf (endowment), even though he still had a mortgage on it with Real Estate Development Fund. We hope that Your Eminence will tell us whether this is permissible or not. As-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: One of the conditions of a Waqf is that the owner must have absolute ownership of it and that no one else should have a right in it. Therefore, if the house in question is mortgaged to a person or a public authority, it is not possible to make it a Waqf until it is released from the mortgage on it. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2880

Q: My son, Sulayman ibn `Abdul-`Aziz Al-Sulaymy passed away and left behind four children and their mother. He had a house which he built through a loan which he took from the Real Estate Development Fund. I decided, as a matter of Ijtihad (juristic effort to infer expert legal rulings), to alienate my entire share in inheritance except my share in the mentioned house. I decided, as a matter of Ijtihad, to assign my share as Waqf (endowment) on behalf of my son Sulayman (may Allah be merciful with him). After my acknowledgement of doing so and the issuing of the attached title of this acknowledgement, I knew that the house is still mortgaged for the value of the loan. I fear that my alienation will cause the house not to be sold after redemption. Is it permissible for me to retract the Waqf? Is it permissible for me to freely dispose of it or am I bound by a certain action? Could you kindly advice me in this regard.

A: If the reality is as you have mentioned, the Waqf is not valid because the house is mortgaged despite having fulfilled the waqf. You only promised to do so saying: I will assign my share...etc, therefore, there is no harm to dispose of it after the redemption by establishing a Waqf or any other legal action.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Matters related to the validity of Waqf

Fatwa no. 15943

All praise be to Allah alone and peace and blessings upon the one after whom there shall be no prophets.

The Permanent Committee for Scholarly Research and Ifta' has read the question sent to His Eminence, the chairman, by the head of the High Court in Al-Mubaraz, which was forwarded to the committee from the General Secretary of the Council of Senior Scholars as letter no. 347 on 1/20/1413. The text of the question is as follows: I am attaching copies of two documents: no. 162 dated 6/23/1356 A.H. and no. 715 dated 10/7/1390 A.H., that were issued by this court concerning a Waqf (endowment) of some real estate. One of the conditions of the Waqf is the recitation of a specific Surah from the Qur'an and two Juz's (30ths of the Qur'an) every day. The Wakil (legally accountable person who acts on behalf of another for a specific permissible matter) says that he cannot fulfill this condition stipulated by the Waqf donor,

because he does not have enough time to do it, so he has abandoned it and is asking for a Fatwa (legal opinion issued by a qualified Muslim scholar). Is there a substitute for this condition? Is it permissible for him to hire someone to do this for him? Was it sinful for him to abandon the recitation in the past? I hope that you will advise us and may peace be upon you!

After studying the Fatwa request, the committee answered: If the donor made it conditional that a portion of the income from the Waqf is to be given to the one who recites Surah Al-Fatihah or a Juz' of the Qur'an and dedicates the reward for it to the dead or for him and for others, this is not a Shar'y (Islamically lawful) way, because the reward for reciting the Qur'an cannot to be dedicated to the dead, since no Nas (Islamic text from the Qur'an or the Sunnah) has been reported confirming this. This is according to the sounder of the two views maintained by the scholars. Therefore, the stated condition is not considered to be a lawful channel of spending the income from a Waqf; therefore, the portion of the money that was dedicated for this purpose can be given to charitable schools that teach memorization of the Qur'an, as this will be nearer to the intention of the donor, and an act that is akin to it in type. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12213

Q: a woman would like to donate a sum of money as a Sadaqah Jariyah (ongoing charity), that she may be rewarded in her lifetime and after her death. What is a Sadaqah Jariyah? How does one benefit from it? Should I make

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a deposit in my name in an Islamic bank, or in any other bank, then spend its profits on a cancer project, for instance? If the money is deposited in my name, can my heirs withdraw anything from it? Should it be deposited in the name of the person responsible for the project, such as the Dean of the Faculty of Medicine? Is the person who deposits the money entitled to spend it in any way they like, or is it best to deposit the money in the name of a trustworthy doctor to spend its profits as agreed upon; provided that another trustworthy is designated to oversee this project after him? Is donating a useful treatment device for patients, such as a kidney dialysis machine, considered a Sadaqah Jariyah? If so, is it recommended? What should be done when this machine no longer works, even if after twenty years? If the machine stops working, does the reward of the Sadaqah come to an end? Please, Your Honor, I would like to have a written reply to all these questions. May Allah reward you.

A: It is recommended that this woman transfers a physical asset into a Waqf (endowment) that can be used as a Sadaqah Jariyah which will provide on going benefit to others, such as real estate or furnishings,

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leaving the asset untouched. Any profits can be given as a Sadaqah (voluntary charity) to the poor and the relatives. It was authentically reported from `Abdullah ibn `Umar (may Allah be pleased with him) that he said, (`Umar acquired some land in Khaybar, so he went to the Prophet (peace be upon him) to inquire about it. He told him, "O, Messenger of Allah! I have acquired some land in Khaybar that is the most precious to me. What shall I do with it?" He (peace be upon him) said, "You may keep the asset and give its profits as Sadaqah." `Umar gave its profits as Sadaqah, provided that this land is not sold, given or inherited to the poor, relatives, slaves, guests and wayfarers. There is no harm on the person who is in charge of it to eat from its profits or spend it on their friends reasonably.) Agreed upon by Al-Bukhari and Muslim, and the wording is Al-Bukhari's. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 20305

Q: some people collect the money of the deceased and put it beside the Mus-haf (Arabic Qur'an), then all the attendees put their hands on it (the Mus-haf) and endow the heirs' money without their permission. What is the ruling on this?

A: This act is Batil (null and void), because the deceased's money is only the right of the heirs in accordance with Allah's rules for distribution.

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It is only permissible to take it from them with their permission and complete willingness. The Messenger (peace be upon him) said, ﴿It is unlawful to take a Muslim's money, unless they willingly give it.﴾ This Waqf is Batil, because it involves injustice and unlawful taking of people's money. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5975

Q: our grandfather, Nasir Al-Mulham, died many years ago. He owned some property, one-third of which had palm-trees on it, but the owner died and the palm trees had perished. As the property had become useless, it was sold and all the heirs took their respective shares and the remaining share, belonging to grandfather, was deposited in a bank more than three years ago. Today palms trees entail a lot of responsibilities, first is pollination, second is harvesting the fruits, and above that they are of no value to people. So, I suggested to one of the heirs that we should put the money towards building a Masjid (mosque), but he said that buying an Ud-hiyah (sacrificial animal offered by non-pilgrims) or something like that would be better.

We hope that Your Eminence will advise us as to what would be seen as good by Allah! It should be noted that the amount of money is 180,000 Riyals.

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A: It is permissible to spend this money to buy a small house or shop as a Waqf on behalf of your grandfather, and for the income to be spent on what your grandfather indicated in the will. There is no prohibition against combining this with another Waqf in a house or shop. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8785

Q: i am an old woman and i have endowed a house. i do not have sons; all my children are daughters and they are living with their husbands and children. i endowed the house to be a source of income for me after my death and made my brother Himdan Sa`d ibn Qiddan responsible for it. However, some people opposed me, claiming that i can use only one third of the house and the rest has to be distributed among the inheritors; my daughters. is that true? It should be noted that my daughters did not spend a penny on the house. Is there any problem to endow the house and appoint my brother Himdan to be in charge of it? I need your advice as I feel confused.

A: If you endow the house when you are healthy, the endowment should be fulfilled. You do not have the right to go back on it during your life time,

(Part No. 16; Page No. 153)

and it cannot be inherited after your death. However, there is no harm in what you did as long as you meant good; not to deprive the heirs. Also, there is no harm on you if you did not endow it in the beginning but then you endowed it through legal means when you were healthy. However, if you make a will for your family to endow it, it is permissible for you to retract the will before your death or to fulfill one third of what you leave as long as you are still alive. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

selling or transferring the Waqf

Fatwa no. 16564

Q: One of his grandparents donated a farm as Waqf (endowment). It is not known when he did so. He specified half of the crop of his land to be distributed to the poor and wayfarers. Since the state's social insurance helps the poor and the land grows maize which people do not need, is it permissible to estimate the price of this land then give it to the authorities? In this way the Waqf will be stopped and the man will be free to use

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the land.

A: It is not permissible to stop the Waqf that you mentioned. In fact, it should be kept according to the general meaning understood in Allah's Saying, (Then whoever changes the bequest after hearing it, the sin shall be on those who make the change.) The revenue of the Waqf must be spent on the poor and needy as specified by the person who made the Waqf. There are still many poor people but you need to look for them. If the crop of the Waqf is maize and it is not eaten in the village where you live, you may sell it and spend its price on the poor and needy people which will serve the purpose specified by the endower; that is helping the poor. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13

All praise be to Allah Alone, and peace and blessings be upon the last Prophet.

To commence:

The Permanent Committee for Scholarly Research and Ifta' has read

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the question that was sent by His Excellency the Minister of Hajj and Endowments under the number (4830/W/M) and dated 26/10/1391 A. H. to His Eminence the Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance, that was transferred to the latter by the Secretariat-General of Council of Senior Scholars under the number 31 and dated 13/01/1392. Studying the question and the attached papers to it, the Committee found that the text of the question as was declared by his Excellency the Minister reads as follows:

`Abdullah ibn Sa`ud ibn Faysal Al-Hazzany sent us the attached letter dated 18/10/1391 A. H. the letter relates to a land in the town of Al-Hariq called Zahwah. Such land is endowed to the Suwwam (those who observe Fast) but `Abdullah rented it twenty years ago from the attorney of the endowments of the town of Al-Hariq. This was for a yearly rent of fifteen Sa`s (1 Sa` = 2.172 kg) of wheat. Besides, a photocopy of the legally certified Waqf deed that ascertains the agreement between `Abdullah and the attorney of the endowments of Al-Hariq was attached. The concerned citizen requires to buy the lease for a total sum to be paid only one time to the Ministry of Endowments. Moreover, he undertakes to buy a store in the town of Al-Hariq under the supervision of the Ministry and giving it to the latter. Thus, it is perceived that the mentioned citizen would like to keep the land in exchange for the store. Because we are keen to keep the endowments and invest them properly, we hope that your Eminence will provide us with your beneficial opinion

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in this regard.

Following is one part of the wording of the deed:

The attorney Ibrahim Al-Dihimy stipulated that `Abdullah ibn Sa`ud will bear all the costs that the concerned land needs for repairing its wells, buildings, or the damages resulting from floods etc. The Waqf people will not bear any cost of the foregoing. `Abdullah accepted it with no objection as long as the land is rented out to him for cultivating it. The rent which is mentioned above should be paid on time on a yearly basis as agreed whether the tenant cultivates it or not. However, in case the rent is not paid to the attorney of the Suwwam; the occupier of the land whether `Abdullah or any body else should give up using it along with all its plants, buildings, trees, etc. They are only allowed to use things they have already harvested. In this case, the tenant is not entitled to claim any estimation of the plants, trees, buildings, or any of the other attachments. Rather, all are part of the Waqf.

End of quotation.

This deed was certified by the Judge of Al-Hariq `Abul-`Aziz ibn Ibrahim ibn `Abdul-Latif in 10/08/1368 A. H.

After the Committee had studied the question and the deed, it wrote the following answer:

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It is impermissible to sell the concerned Waqf because keeping it in the current state is more beneficial and provides greater interests. This is because it is stipulated in its deed that the Waqf people do not bear any of the costs of repairing the damages thereof and that only `Abdullah Al-Hazzany will bear them and that in case the rent is not paid to the attorney of the Suwwam, the occupier of the land whether `Abdullah ibn Sa`ud or anybody else should give up using it along with all its plants, buildings, trees, etc. except what they have already harvested and that the tenant is not entitled to claim any estimation of the foregoing or any of the other attachments as these are all part of the Waqf. On the other hand, if the Waqf is sold and a store is bought, for instance, instead of the land; the Waqf will be subjected to ruin. The Fatwa was signed to that effect. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 78

Q: we have a waqf (endowment) building in Makkah composed of three floors and a shop. The total revenue is 4,300 riyals. The money goes to the widows, minors and heirs of Mr. Muhammad Ramzy (may Allah be merciful with him). We wish to exchange it for another building in

(Part No. 16; Page No. 158)

Jeddah, as the revenue will be doubled there. Please guide us in this matter.

A: Makkah Al-Mukarramah is a blessed city, and it is the secure city of Allah. All other places are less in status. The buildings in Makkah have a better chance of being sold or rented out compared to those in Jeddah. Makkah enjoys a flourishing real estate market during the Hajj and `Umrah seasons as compared to Jeddah. Even if it is weak during some seasons or with some buildings, this will be temporary and will soon end. Consequently, it is not permissible for you to sell the building and buy another one with its price in any place other than Makkah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 174

All praise be to Allah Alone, and peace and blessings be upon the final Prophet.

The Permanent Committee has reviewed the letter referred to it from the Secretariat for the Council of Senior Scholars under

no. 905 dated 8/6/1392 A.H. from his Excellency, the Deputy Minister of Justice no. 1963/1/Q dated 7/6/1392 A.H. regarding the request of Mr. Muhammad `Abdul-Khaliq Al-Shahry to exchange a land dedicated as Waqf (endowment) by his grandfather for a better one. His Eminence Shaykh Muhammad ibn Ibrahim (may Allah be merciful with him) has previously issued a Fatwa (legal opinion issued by a qualified Muslim scholar) no. 1947/1 dated 17/7/1386 A.H. in this regard.

After the Committee has reviewed all the related documents including a copy of his Eminence Shaykh Muhammad's Fatwa, it appears that his Fatwa clearly declares the exchange permissible if it leads to an apparent benefit and a great interest provided there is nothing unlawful about it. The exchange must be carried out by the judge of Al-Nammas Province. The Committee adds that the request for exchange must be submitted by the Waqf trustee, whether it is Mr. Muhammad `Abdul-Khaliq himself or the Ministry of Hajj and Endowments. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

(Part No. 16; Page No. 160)

Fatwa no. 9

Praise be to Allah, Alone, and peace and blessings be upon the Last Prophet.

The Permanent Committee for Scholarly Research and Ifta' has reviewed the question submitted by His Excellency the Chief Justice of Al-Ahsa' to His Eminence the Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance with the no. of 7052 in 3/12/1391 A.H. The question was referred to the Committee from the Secretariat-General of the Council of Senior Scholars with the no. of 201 in 23/1/1392 A.H.

After studying the matter, the Committee found that the question revolves around the following:

1. The question is submitted by Sarah bint Nasir Al-Kharish to His Eminence the Chief Justice of Al-Ahsa'. Following is the wording of the questioner: i own a house in Kuwait, `Ain Yusuf street. I have set up the mentioned house as a Waqf (endowment) however it is now no longer in use. I want to move the Waqf from Al-Ahsa' to Riyadh as I live in Riyadh and the house I want to buy and set up as Waqf is also in Riyadh. It is worth mentioning that in case the house is sold, I cannot buy a house in Riyadh with its value, but I will increase the value from my own money to be able to buy the new house in Riyadh. Would you please approve the transfer

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of the mentioned house?

2. It has been confirmed that the mentioned house is set up as Waqf by the endower according to the document no. 67 in 24/6/1366 AH., which has been issued from Al-Ahsa' court. The endower stipulated in this document that she has the right of supervision and living in the Waqf during her lifetime and this right will be transferred to her son Muhammad ibn Sulayman Al-Husayn, his children, and his grandchildren. She assigned a sum of money for buying and slaughtering a sacrificial animal every year.

This is what was mentioned in the letter sent by his Eminence the Judge of Al-Ahsa' Shaykh `Abdul-Muhsin Al-Khayyal no. 1023 in 2/12/1391 A.H.

3. It has been mentioned in the Judge's letter that: He has sent a letter no. 1027 in 1/12/1391 A.H. to the Ministry to examine the house. The Ministry replied that they found it destroyed and idle. It is better for the endower to sell this house and to buy another one if she can afford to pay the difference.

4. His Eminence the Chief Justice of Al-Ahsa' courts is asking the Committee to express its view regarding what was mentioned in his letter.

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After studying the matter, the Committee replied: Since this Waqf is ruined and no longer in

use, and the endower is ready to buy a house which is more expensive in Riyadh and she made the condition that she would have the right of supervision and living in the Waqf during her lifetime and that she now lives in Riyadh, therefore it is permissible for her to sell the old Waqf and buy another new house for Waqf in Riyadh. This will be more useful as the endower will be able to supervise the Waqf. However, selling the house in Al-Ahsa' should be under the supervision of the Chief justice of Al-Ahsa' courts and buying the house in Riyadh should be under the supervision of Chief Justice of Riyadh courts. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 114

Q: Here is my letter attached to the will of Nurah bint

`Abdul-Rahman ibn Mawash. she inherited the house mentioned in this letter and gave it as Waqf. She did not leave behind anything else. Our agent rents the house and distributes the amount of rent to the inheritors after offering the sacrificial animals. Now, the house was sold to the municipality for 64,000 Riyals. Is it permissible for us, as her male relative inheritors, to assign some of the value of the house as Waqf and take the rest as inheritance or should the house be returned to its original status?

Having perused the attached document dated 22 / 1 / 1352 A.H. which is sealed by the seal of Shaykh: Muhammad ibn `Abdul-Latif (May Allah be merciful with him) which states: "Nurah bint `Abdul-Rahman ibn Mawash says that she bought the house of `Abdul-Rahman Al-Hammudy from his heirs in 1328 A.H. Since she has bought this house, she assigned it as instant Waqf". This has been written by the handwriting of the purchaser and was certified by Shaykh Ibrahim ibn `Abdul-Latif (may Allah be merciful with him) and sealed by his seal. Also, since she has bought the house 24 years ago, she offers sacrifices every year.

A: It is mentioned in the aforementioned document that the Waqf is instant and she offers sacrifices since she bought the house 24 years ago. It is also mentioned that the house was sold to the municipality for 94,000 Riyals and the male relative inheritors demand to take

part of the value of the house to distribute as inheritance. Accordingly, it is not permissible for them to do so and the origin of the Waqf has to remain as it is. If selling the house has been done by a legal way, the price may be used to buy a new house and the new house will be an effective Waqf instead of the first house. The rent will be spent in fixing the house and for offering the sacrificial animals. If there is something left from the rent, it will be for her nearest male relative inheritors according to the legal system of inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 11185

Q: i live on a piece of land that is next to a Waqf (endowment), all of which is dedicated to Allah. Will it be sinful if i intentionally use a little of the Waqf, one hand span or cubit for example, as there are no boundaries between my land and the Waqf land? Please advise me and may Allah reward you!

A: It is obligatory on you to take precautions against taking anything from the Waqf land that is beside you. If you have doubts about anything concerning the Waqf land, you must leave it for the Waqf. You are not also allowed to plant anything on that land for yourself. The Prophet (peace be upon him) instructed saying, ("Leave what makes you doubt for what does not make you doubt.")

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Miscellaneous

Fatwa no. 1650

Q: i have inherited a legacy from my father who inherited it from my grandfather. My grandfather had made a will to my father that seven people should perform Hajj from this legacy. My father made a will to me to do the same, but he told me that he did not know the specific people; their names or whether they are males or females. The value of the legacy is not sufficient to pay the costs of performing one Hajj. i hope you will advise me about the means to fulfill this commitment Am I lawfully obliged to pay for the Hajj expenses of seven people from my own money if the legacy is not sufficient? How can I offer Hajj on behalf of people I do not know?

A: We recommend that you collect the returns that the land owner is entitled to, in order to perform Hajj for one of the seven people whenever there is enough money to pay the costs,

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till the seven times are fulfilled. After this, the land would be available to the heirs of your grandfather and father according to legal inheritance. This would be with the intention of performing Hajj on behalf of the people that your grandfather wanted. However, you are not obliged to do this by yourself or from your own money; rather, it has to be done from the returns of the land. However, if you pay it from your own money, Allah will reward you well. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa No. (7124)

Q: I have a plot of arable land owned by my father as a Waqf (endowment). I take care of it and pay the wage of the farmers out of my own money and reclaim it out of my own money. One day, I bought some objects by borrowing money from that which was dedicated for Waqf being in need of it at that time. However, I returned the money and more. Am I sinful to have done so? Please answer me. May Allah reward you well!

A: If the reality is as you mentioned, meaning, that you returned the money you took for a good purpose and more, you are not sinful. However, it would have been

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more precautionary if you had borrowed from elsewhere. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (148)

Q: Are the payment for having permission to hire Waqf [endowment] included under its revenue or are parts of the Waqf (endowment)?

A: A fatwa was issued by His Eminence Shaykh Muhammad ibn Ibrahim (may Allah be merciful with him) No. (365) regarding these payments stating that it is a part of the Waqf. The following is a free quotation of the fatwa for the benefit of the questioner: We have received your letter requesting a fatwa on the amount of money paid by ground renters of the Waqf of Al Humaydan at the beginning of rent. We have examined the facts you submitted as well as the Waqf documents attached. Reflecting on them, we reached the judgment that the amounts paid at the beginning of ground rent is not revenue that is due annually. Rather, they are included in the Waqf. Take note that if such amounts of money are deducted, the rent will increase. In other words, the less

amounts of money are paid, the more the rent will be and vice versa. Accordingly, it is impermissible for the current generation to take these amounts of money, for the following generations of descendants, even those who have already passed away, are also entitled to them. Consequently, these amounts of money have to be considered included in the Waqf. Thus, they are to be exploited in rebuilding the real-estate if it needs so or in buying another Waqf out of excess. Revenue should be spent where its essence is spent. End quote. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

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Chapter on gifts and presents

The first question of Fatwa no. 17627

Q 1: what are Shar`y (Islamic legal) conditions for a gift to be valid?

A: The following are the conditions for a gift to be valid: **1.** Proposal and acceptance. For example, the giver proposes to give a certain gift to another who expresses acceptance in any way whether verbally or practically. **2.** The actual gift should be known, meaning, one should gift a known object. **3.** Ability to deliver the gift. It will not be valid if the gift is undeliverable. **4.** The gift should not be a purchased object that has not yet been received. **5.** The gift should not be contingent on a future condition. **6.** In case of one's children, justice must be observed. A parent may not give a gift specifically to one child while depriving other children. **7.** The gift must not be meant for bribery, such as gifts for workers, e.g. an employee giving a gift to his supervisor or a student giving a gift to his teacher in governmental schools.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The third question of Fatwa no. 7932

Q 3: one of my relatives sent me a large sum of money as a present on the occasion of my marriage. Should I accept it or be satisfied with the money I have?

A: There is no objection to you accepting such a present provided that one does not hanker after it. Moreover, the giver should be requited adequately when possible or be supplicated for. The Prophet (peace be upon him) said, ﴾Requite him who does a favor to you, but if you are unable to requite him, go on praying for him till you are sure that you have requited him adequately.﴿ (Related by Abu Dawud and Al-Nasa'y.) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 6489

Q 1: One day, my father fell ill. Women would then bring

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pure coffee to my mother, each woman bringing a handful of coffee. Later, the tribe agreed to ban this custom, which caused my mother not to requite women for their coffee. We hope that you can give us a Fatwa on the issue bearing in mind that coffee still exists till now. May Allah reward you well!

A: There is no objection if your mother takes coffee from women as a gift. Moreover, it is not obligatory to requite them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 14379

It is a custom among the people of my village to give gifts and money on special occasions, and the recipient of the gifts is expected to requite them in kind on the giver's special occasions. What is the ruling if people have a special occasion when the one who received the gifts does not have anything to requite them with; is it impermissible?

A: it is recommended for the one who is given a gift to requite by giving something similar or better. However, the people of the village should not oblige a poor person to requite them giving them gifts like

those they gave him. Rather, the proper Shar`y (Islamic legal) behavior is that a Muslim gives a gift expecting nothing in return, only hoping for the reward of Allah (Glorified and Exalted be He). Thus, anyone who is given a gift is obliged to give nothing in return to the giver. However, it will be preferable to requite the giver. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 6745

Q: i have a pious, loving and prolific wife. This is a grace from Allah (Exalted be He). I married her when she was 13, and now she is 43. Allah (Exalted be He) has granted me children and Halal (lawful) sustenance. She is very obedient, Praise be to Allah for this. She never opposes me and I have no other wives. All my children, two boys and four girls, are from her only and I have a strong desire to grant her, during my life time, a small two-floor building. This building does not exceed one third of my property at the present time. Will I be violating any part of the Shari`ah if I grant her this building? I appreciate your guidance. May Allah grant you success and reward you with good, for I am very confused about this. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A:

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There is no prohibition in giving this building to your wife and registering it in her name during your life time. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11790

Q: Being a social worker, and having worked in the countryside and in large towns, I decided to do the following:

First, to grant part of my inheritance as assets or cash after selling the assets to a local registered entity for taking care of the handicapped people, so that I take part in fulfilling their mission towards the handicapped people. This gift is going to be registered in a contract or a legal deed.

Second, to grant another part of this inheritance in cash to the Ministry of Social Affairs in Egypt to establish a training center in my father's village to provide services there. The priority of joining this center will be for our relatives and their children if they want to.

Third, to keep part of this money to support me in my later days and illness.

First, is this permissible in Shari`ah (Islamic law), especially that I dispose of my money during my lifetime? I intend by these grants to make the maximum number of needy people benefit from them.

Second, as for the part I will keep for my later days, it is going to be inherited by my heirs when I die.

Please advise, with many thanks.

A: it is permissible for you to grant part of your wealth to a local entity for taking care of the handicapped people. It is also permissible to grant another part to the Ministry of Social Affairs to establish a training center in your village that provides training in useful topics, as both matters include a public benefit. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19805

Q: What is the Islamic ruling on certain customs that take place here in

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Egypt, for example, an engaged man sending some gifts to his fiancée on religious occasions, such as Rajab, Sha'ban, Ramadan, the Day of 'Ashura' (10th of Muharram),'Eid-ul-Fitr (the Festival of Breaking the Fast) and 'Eid-ul-Adha (the Festival of the Sacrifice). Is this act Fard (obligatory) or Sunnah (supererogatory)? Would it be considered wrong on the part of the people who do so?

A: Exchange of gifts between people is one of the means that creates love and affection and removes hatred and ill-will from the hearts; it is therefore encouraged by the Shari'ah (Islamic law). The Prophet (peace be upon him) (used to accept gifts and give gifts in return.) Based upon this teaching Muslims act, all praise be to Allah. But if a gift is associated with an unlawful reason, this is not permissible, such as gifts given on the Day of 'Ashura', Rajab, on the occasion of a birthday, or other newly-invented matters in the religion, as this falls under supporting what is wrong and participating in Bid'ah (innovation in religion). May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 17907

Q: A person gives one sheep to someone else as Sadaqah (voluntary charity). This sheep reproduced and soon there was a flock of sheep. The one who has been given this Sadaqah gives in charity and offers sacrifices from this flock of sheep, but he heard that the reward will go to the one who gave him the present in the first place; not to him.

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Is this true? What is your view on this, because there are many sheep? The current owner of the sheep sells and slaughters from them since they are his own property. I appreciate your guidance. May Allah guide you!

A: once a person receives a gift, he becomes the owner and therefore has the right to use it according to the rulings of Shari`ah. Therefore, the sheep are the property of the one to whom they were given as charity and he can give them in charity or slaughter Ud-hiyah (sacrificial animal offered by non-pilgrims) as he likes. Also, the first person who gave the sheep as a gift to the second person will be rewarded for his gift if he intended the reward of Allah (Exalted be He). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

accepting a conditional gift from a non-Muslim

Fatwa no. 5625

Q: I am a Saudi studying in America and we are in the process of building an Islamic center, in sha'a-Allah (if Allah wills) in Miami. The University has donated

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the land on which the center will be built. Yet some Muslim brothers disapproved of it, saying that the land can be accepted from neither Christians nor Jews. As you know, most of the people here in America are Christians and there are some Jews. Attached to my letter is a copy of the donated land's contract along with some related questions.

A: After the Committee has reviewed and studied the attached copy of the contract, it gave the following answer: If the matter is as you have mentioned, it is not permissible to accept this gift, due to the consequential evils of applying the conditions stipulated in the contract. The contract stipulates that the center's administration is to follow the laws and regulations of the University, which are unknown to those accepting the gift. Some of which may contradict the Islamic teachings. There is also the condition about the center submitting to the laws of the state of Florida, some of which contradict the Islamic teachings for sure. Furthermore, the contract stipulates that the center will be for Muslims and non-Muslims such as Jews. This only means that Muslims will build an Islamic center where Christian and Jewish rituals will be performed, something that will cause many problems. Finally, the contract stipulates that the donor has the right to revoke the gift and regain the land to the University's property at any time. There are many other conditions in the contract that contradict the Shari`ah (Islamic law).

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 10901

Q: I heard from one of the most famous shaykhs of Ansar Al-Sunnah Al-Muhammadiyyah Group that it is permissible to sew and sell dresses that do not cover women fully; i.e., short dresses. He based his view on the fact that the Messenger of Allah (peace be upon him) gave a red silk garment as a present to `Umar ibn Al-Khattab (may Allah be pleased with him), and when `Umar wore it and the Messenger of Allah (peace be upon him) saw it on him, he said, (I gave it to you to give it away as a present not to wear it.) **So `Umar gave it to one of his friends from the time of Jahiliyyah (pre-Islamic time of ignorance), or something like that. The shaykh further said that an Imam - whose name I cannot recall now - related this Hadith in his book under the chapter on the permissibility of selling what should not be worn. What is your opinion in this regard? In case this is true, can we use Qiyas (analogy) and say that it is permissible to sell cigarettes and tobacco, ring-shaped gold items, female pants, and male and female swimming suits? Allah (Glorified and Exalted be He) says in the Qur'an,** (Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.) **Please give us your answer, Allah forbid the presence of any contradiction between the Qur'an and the Sunnah (whatever is reported from the Prophet).**

A: This Hadith is related by Al-Bukhari, Muslim and others under different chapters

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and through different ways. There is the account related by Al-Bukhari under the chapter on trading in male and female reprehensible clothes on the authority of Salim ibn `Abdullah ibn `Umar from his father who said, (The Prophet (peace be upon him) sent a silken garment to `Umar (may Allah be pleased with him). When the Prophet saw it on him, he said, "I have not sent it to you to wear, only someone who has no share in the Hereafter wears it. I sent it to you to make use of it (by selling it).") This Hadith proves that it is permissible to trade in, grant or donate clothes that can be used in one way but not the other. The one who buys such clothes or receives it must use it according to the permissible way. This rule applies to gold jewelry, weapons, knives, grapes and anything that has both a permissible

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and an impermissible use. It is permissible to trade in or grant all of these things and the buyer or receiver of the grant must use it only in the permissible way, such as selling or granting it, without making any illegal gains from it. However, if the item is already unlawful to use in all cases and ways, it will not be permissible to trade in or grant it such as pigs, lions and wolves. The Hadith does not support selling the things you mentioned and you cannot use Qiyas with selling cigarettes, tobacco, and male and female swimming suits. Qiyas is used with items that can be lawful if used in a certain way or case and unlawful if used in another while these things are unlawful to use in all cases. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2108

Q: Here in Britain, some Muslims collect their money through lawful and unlawful means, as they are traders and their commodities include Khamr (intoxicant) and pork meat. They are not all the same, for some of them gain most of their money unlawfully while others make just a small gain from them. Is it permissible for us,

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as Muslims, to mix with them and eat their food when they invite us? Is it permissible to accept their donations for the Masjid (mosque)?

A: Firstly: It is your duty to advise them and warn them of the evil end of trading in Haram (unlawful) commodities and making unlawful gains. You should cooperate with other righteous Muslims in reminding those traders of Allah's Torment for those who disobey and oppose Him by committing what He has made unlawful. Tell them that the enjoyments of this world are nothing compared to the everlasting joys in the Hereafter. If they comply, all praise be to Allah and they are your Muslim brothers. You should also guide them to return rights to their owners, if they know them, and to follow up a bad deed with a good one, may Allah forgive them and exchange their bad deeds with good ones. In this case, it is permissible for you to mix with your brothers, eat their food and accept their donations in different charitable ways such as building and furnishing Masjids and the like. By performing Tawbah (repentance to Allah) and exerting all efforts to return the rights to those they are due, Allah will forgive their past sins. Allah (Glorified and Exalted be He) says about loan sharks: ﴿So whosoever receives an admonition from his Lord and stops eating Ribâ (usury) shall not be punished for the past; his case is for Allâh (to judge).﴾ **Secondly:** If they refuse to follow your advice and insist on committing

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these unlawful deeds, you will have to abandon them for Allah's Sake, decline their invitations and accept no donations from them, as a means of disapproving of their deeds and hoping they will be deterred and will abstain from their evil acts. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fifth question of Fatwa no. 4172

Q 5: What is the ruling on two brothers, one of whom is a Muslim and the other is a Mushrik (one who associates others with Allah in His Divinity or worship) and rich. is it permissible for the Muslim brother to accept a gift from his Kafir (non-Muslim), mushrik brother, or not?

A: It is permissible for a Muslim to accept a gift from his brother if he is a kafir or a mushrik, because that may soften the latter's heart and Allah may guide him to Islam. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify

buying a gift from the person to whom it was given

The first question of Fatwa no. 10635

Q 1: A man gave his brother a car as a gift, then the one to whom the gift was given wanted to sell the car. Can the person who gave the car as a gift buy it or is it not permissible for him to buy it?

A: It is not permissible for the person who gave the gift to buy what he gave his brother. It was narrated that `Umar (may Allah be pleased with him) said, (I gave a horse (to someone to use in jihad) for the sake of Allah, and its owner neglected it. I thought that he would sell it for a cheap price, and I asked the Messenger of Allah (peace be upon him) about that. He said, "Do not buy it from him even if he sells it to you for a dirham, for the one who takes back his charity is like the dog that goes back to its own vomit.) May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 13491

Q 2: A person gave his car as a gift to another person. The gift receiver sold it to a third person. The gift giver

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wants to buy the car back from the third person who purchased it. Is this permissible or it is considered as getting the gift back for money?

A: It is permissible to purchase the gift in the case you have mentioned, because the gift giver did not buy it from the gift receiver. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

giving a gift to a wife

Fatwa no. 6848

Q: A woman from Abi `Arish in Jazan district submits a Fatwa request to your Eminence. Her concern is as follows: For a long time, she lived with her husband in a small house in which her in-laws are living too. Her husband promised that he will build a bigger house for her exclusively when Allah makes things easier. Leading an easy life, he kept his promise and built a separate and large house where she lived for a period of time during which she gave birth to four daughters. The husband married a second wife

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in a different town where he built a separate house. This wife gave birth to a son and a daughter. The first wife who sent this request asked her husband to register the long-awaited house in her name. The husband is confused for fear of being sinful if he accepts this demand. Is he sinful if he registers this house in her name and registers the other house built in the other country in the second wife's name?

A: If the reality is as you have mentioned, it is permissible for the husband to register each house in the name of each wife for whom it is built. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12271

Q: I am a married man and I do not have children. I had a piece of land. When I started to build a house on it, i promised my wife to register one fourth of the building in her name if she sells all her jewelries to help me to build the house on the land. The money she gave me was far less than the value of the one fourth of the house I promised to give her.

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Days passed and I owned a flat in my house and I decided to register it in my wife's name as a reward for her endurance to live with me without children and to repay her debt as she sold her jewels to help me to build the house. I need your advice in this regard as I fear to disobey Allah.

A: There is no harm in registering the flat in your wife's name. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12168

Q: I am an old man, married to a good Egyptian woman since two years ago. She does her best to comfort me. I have no children, and no one will inherit me except my nephews who live in Jeddah, while I live in Al-Wajh. i want to give my wife one-third of my property as a gift, because of her dedication and looking after me, is this permissible?

A: It is permissible for you to give your wife what you mentioned as a gift during your lifetime, in return for her kind service and taking care of you.

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May Allah grant us success! May Allah's peace and blessings be upon our Prophet, his family and Companions!

The Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12612

Q: i have one wife who gave birth to my sons and daughters. i want to register half of the house that i possess in her name and would like your opinion on this. Kindly answer my question, may Allah bless you! May Allah reward you with the best reward for benefiting the Muslims and our last call is praise be to Allah, the Lord of the worlds.

A: There is nothing wrong with you giving half of the house to your wife as a prompt grant, as long as you are mentally and physically sound. You are to give her a legal title deed to prove her ownership of that half of the house. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

observing equality in giving gifts to wives

Fatwa No. (19695)

Q: I would like to inform Your Eminence that there is a man who, after the death of his wife from whom he had a child, married another woman for thirty years who did not give birth to any children. He then married a third woman who gave birth to two children. The man owns two buildings one of which consists of two floors. He wants to give one of the two floors to the wife who gave birth to no children as a gift. He asks whether it is permissible for him to do so. Actually, he requests your fatwa so that he might be enlightened regarding the issue. I ask Allah (Exalted be He) through His most Beautiful Names and Supreme Attributes to give you good health and provide you with His help and success. I also supplicate Allah (Exalted be He) to guide everyone to that which leads to the success and prosperity of the Muslim Ummah, for in fact He is the one Capable of doing so!

A: Whoever has two or more wives has to treat them fairly. It is not permissible for him to single out one of his wives with regard to spending, accommodation or spending the night, to the exclusion of the others. In fact, there is a stern warning issued against the one who has two wives and does not treat them fairly. Abu Hurayrah (may Allah be pleased with him) is reported to have said:

The Prophet (peace be upon him) said: ﴾When a man has two wives and he is inclined to one of them, he will come on the Day of Resurrection with one of his sides hanging down.﴿ According to another narration of the Hadith: ﴾He will draw one of his two sides falling or aslope.﴿ (Recorded by Imam Ahmad in Al-Musnad, Vol. 2, pages 295, 347, 471). Moreover, Al-Nasa'iy and Ibn Majah recorded a similar Hadith in their Sunan. It is recorded on the authority of Abu Hurayrah (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾When a man has two wives and he is inclined to one of them, he will come on the Day of Resurrection with one of his sides hanging down.﴿ (Recorded by Abu Dawud in his Sunan, Vol. 2, P. 601). Furthermore, Al-Tirmidhy recorded a similar Hadith in Al-Jami`. This evidence indicates that it is obligatory to treat co-wives fairly and equally

and that it is impermissible for a husband to incline more to one of them in a way that will hurt the others. This does not include the natural inclination of the heart, for a person has no control over his heart's inclination. Therefore, the Messenger of Allah (peace be upon him) used to divide his time equally among his wives, and said: ﴾O Allah, this is my division concerning what I possess, so do not

blame me concerning what You possess and I do not.) Accordingly, it is impermissible for the abovementioned husband to single out one of his wives with an item of his property. Thus, if he gives a house or the like to one of his wives as a gift, he must treat all his wives equally in that regard giving a similar gift or something of equal value to all of them, unless the other wife approves of it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa No. (10229)

Q 1: my wife has a daughter from a previous husband, whom I brought up in the best manner. I owed her a sum of money of 13,000 Riyals which I gave her when she married. However, on giving her dues, she refused insisting that I take them myself, bearing in mind that the sum of money was not her dowry - it was the revenue of goats I had bred for her. Is it permissible for me to take this sum of money?

A: If the daughter is of full age, the money will be yours. Moreover, if you think that her insistence on giving it to you is merely out of shyness, not of complete free will, it will be more cautious not to accept it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

observing equality in giving gifts to children

Fatwa No. (30)

Q: I bought a house in Jeddah which I registered in the name of my older son Ahmad, according to what is registered in the attached document. Accordingly, I hope that you will give me a fatwa regarding whether it is permissible to single out one of my children with a gift while not giving to the others.

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A: Having examined the fatwa request and the attached document confirming the questioner's statements, the Committee replied: According to the attached copy of the document issued by the notary public of Jeddah No. 200 in 29/3/1391 A.H., you bought a house of a defined space and borders in Jeddah for 6,200 Saudi Riyals out of the money of your minor son Ahmad which you donated to him, thus, making the house his property. According to these facts and to your question, giving your son Ahmad preference over your other sons is impermissible. The proper Shar`y (Islamic legal) behavior with regard to giving gifts to one's children is to give them gifts equally; it is not permissible to favor one over another unless there is a Shar`y justification, such as if one of them is disabled, has a large family or is busy seeking knowledge. One may also deprive one of his children of gifts because of his being evil or committing Bid`ah (rejected innovation in religion), or because he will make use of the gift in disobedience to Allah (Exalted be He). The basic evidence regarding enjoining giving gifts to one's children on an equal basis is the Hadith related by Al-Nu`man ibn Bashir (may Allah be pleased with both of them) who said|: ﴿My father gave me a gift but my mother `Amrah bint Rawahah said that she would not agree to it unless he made Allah's Messenger as a witness to it. So, my father went to Allah's Messenger to make him a witness to it. Allah's Messenger asked, 'Have you given (the like of it) to all your children?' He replied in the negative. Allah's Messenger said, 'Fear Allah, and be just to your children.' My father then returned and took back his gift.﴾

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According to another narration: ﴿Return it!﴾ According to a third narration: ﴿Take it back!﴾ According to a fourth narration: ﴿Do not make me a witness for injustice.﴾ According to a fifth narration: ﴿Call someone else other than me as a witness.﴾ According to a sixth narration: ﴿Give them on equal basis.﴾ (Agreed upon by Al-Bukhari and Muslim). The Hadith apparently indicates prohibition as the Prophet called it injustice, ordered it to be annulled and refused to be a witness for it. Undoubtedly, injustice is prohibited and the order to annul the contract indicates obligation to do so and of giving to children equally. If there is a Shar`y justification for favoring some children over others, Imam Ahmad (may Allah be merciful with him) is reported to have referred to permissibility. Regarding assigning Waqf (endowment) to some children, Imam Ahmad said it is unobjectionable if there is a justification to do so but it is abhorred if it implies merely favoring. Obviously, the same applies to gifts.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

The second question of Fatwa No. (1345)

Q 2: Someone bought a plot of land in partnership with his full brother who was alive, and both registered it in the name of their sons overlooking their daughters considering that daughters may not have a share in it as money is acquired wholly or partially by sons. The daughters on the other hand insist on having shares in this land. Is this procedure valid or, should the daughters also be given shares?

A: If the money that bought the land is that of the sons, the daughters will have no right therein at all. However, if the land is bought partially with the sons' money, the daughters will have no right in the part that was bought by the sons' money. However, if the money that bought the land was from the parents, it will be obligatory to give all children equally. This is based on the general purport of the Hadith of the Prophet (peace be upon him): (Be afraid of Allah, and be just to your children.) The same applies to the part of the land that was bought by the parents' money if the land was bought partially by them.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Mani\`	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa No. (2225)

Q: A wealthy father who has children, both males and females, from his four wives wants to divide his wealth among his male children only when he still has the ability to beget more children. He is asking about the destiny of children begotten after the division. Is the father entitled to deprive one of his children from inheritance or single out one of them with a favor? Is it permissible for him to give in charity, give gifts or sell some property to one of his sons if this is approved of by his older sons who are in charge of the younger children? The father is in charge of three of his wives while the fourth, who is not on good terms with the father and no longer likes to live with him, is provided for by her children. The questioner, one of her sons, who failed at many attempts to reconcile them, is asking whether it is permissible for his father to sustain his mother without asking for reconciliation with the mother.

A: As for dividing the money among male children only while excluding the females,

the Shari`ah (Islamic law) enjoined observing equality in dealing with children whether they are male or female. It is recorded in the Two Sahih (authentic) Books of Hadith (Al-Bukhari and Muslim) on the authority of Al-Nu`man ibn Bashir (may Allah be pleased with both of them) ﴿that his father granted him a slave boy and went to the Prophet (peace be upon him) to make him a witness to this donation. The Prophet (peace be upon him) asked him: Have you done the same with each of your sons? He said: No. Then, the Prophet (peace be upon him) said to him: Fear Allah and treat your sons equally.﴾ According to another narration of the Hadith, the Prophet (peace be upon him) said: ﴿I cannot bear witness to an injustice.﴾ Thus, your father, deciding to divide his wealth wholly or partially, has to divide it among both males and females in accordance with the rules provided for by Islamic inheritance, meaning, the male receives a share equal to that of two females. He should not be concerned about children who are yet to be born. However, in the case of a fetus, division has to be delayed till delivery takes place. Moreover, it is impermissible to give any of them a share that is more than that defined in the Qur'an: ﴿to the male, a portion equal to that of two females﴾ This is regardless of whether it is categorized as charity, gift or selling for a paltry price unless the other children who are legally mature approve of it. However, each approval is only applicable to their respective share. Furthermore, he may not approve of it on behalf of his young children, male or female. As for your mother's rights on your father,

following is a necessarily detailed reply. If she is unrightfully disobedient to him, she will have no rights on him, with regard to clothing or any thing else. This remains effective until she stops being disobedient and obeys his commands in a way that is reasonable. However, if she refused to obey him as he deprives her of her rights, it would be a dispute which has to be brought to court unless they settle it consensually. In addition, it will be more adequate to seek the interference of some righteous relatives and neighbors to cause reconciliation. In fact, reconciliation is good. May Allah set right all our affairs! May Allah grant us success! May peace and blessings be upon our Prophet

Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2738

Q: Two of my sons are married and live in their own houses. They disobey me and are hard-hearted. They never do good, though Allah loves the good-doers. I complained against them to the judge and he sent them to jail. I do not like them. It is their mother that is behind all this. I also have three half daughters from three other mothers. Each daughter lives with her mother. It is Allah (may He Praised and Exalted) who provides them with the means of subsistence. I am 73 years old now.

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I am a trader and my sons threaten to take revenge on their three sisters after I die. It should be noted that the daughters are kind and obedient. They live with me; each one of them has an old house. I decided to free myself from responsibility and register a house for each one of them lest their disobedient brothers bring them to courts for inheritance disputes. I wrote my will and placed it among my documents so it might be acted upon after my death. As regards the male sons, I am fully sure that they are hard-hearted and will not be kind to their sisters. They never listened to my advice. I hope you will guide me to do what will save me from the punishment of Allah, the Lord of the Worlds, on the Day of Judgment.

A: It is obligatory upon the Muslim to be just as regards giving gifts to his male and female children. It is authentically reported that the Prophet (peace be upon him) said in the Hadith on the authority of Al-Nu`man ibn Bashir (may Allah be pleased with them both): (Be afraid of Allah, and be just to your children.) Willing a part of the estate to be given to the inheritor is invalid in the Shari`ah of Allah (Exalted be He), even if you will register them in the inheritor's names and get a nominal and not actual price in return. If you register the estate you give to them through an actual sale contract, there is no harm in that.

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You have to know that giving part of your estate to your daughters and not doing the same with your sons will not stop your sons from making intrigues against them. It is more likely to arouse their wrath, grudge, envy and harm against their sisters. So you should fear Allah and treat your sons and daughters justly. You should give your children their shares according to the rules of inheritance and hand them their documents so that they would use them freely as long as they are grown-ups and leave your estate to be distributed after your death. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2911

Q: I need your Fatwa as regards the following:

First, a person had more than one son and he paid the marriage expenses of the older sons. He has another son who is about to marry and one more who is still young. is it permissible for him to bequeath a sum of money to pay for the marriage expenses of the unmarried sons whether or not they are adults?

Second, if he bought cars for all his older sons, whether they live with him or are far away, is it permissible for him

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to bequeath some money of the same value as the car to his son for whom he has not yet bought one, whether or not he is an adult?

Third, if he has sons who live far from him and they are financially independent and other sons who live with him, serve him and help him, is it permissible for him to bequeath some money to those who serve him in return for their sacrifices and service? Is it also permissible to do the same with wives if he has more than one wife?

Fourth, there is no doubt that the belongings a person leaves behind, whether they are effects or real estate, belong to all the inheritors; however, it hurts one to imagine that the belongings which his wife and underage children depend on in their life, will be sold or deducted from their inheritance.

I am very concerned about this. I think that it is better not to sell inherited objects such as furniture, cars and food and other belongings for the benefit of the underage children and their mother who takes care of them because the adult sons are financially stable.

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They have good jobs and received a good education; whereas, the underage children are young and are in need of kindness, mercy, education and training. They should be saved from suffering two evils at the same time; their father's death and living in a house less than the one they used to live in which will have a negative effect on them. Also, the property may be estimated at a certain price and be deduced from their shares of inheritance of their father's bequest.

I hope Your Eminence will consider this subject from all dimensions and aspects and issue a Fatwa that you think will free us of responsibility and maintain all that is good.

A: First, the basic ruling in this matter is treating children with justice. The religious evidence on this includes: **a.** On the authority of Al-Nu`man ibn Bashir that the Prophet (peace be upon him) said: ﴾Treat your children justly, treat your children justly, treat your children justly.﴿ Narrated by Ahmad, Abu Dawud and Al-Nasa`iy. **b.** On the authority of Jabir that: ﴾The wife of Bashir said to her husband: Donate a slave to my son and let the Messenger of Allah (peace be upon him) be a witness to it. He went to Allah's Messenger (peace be upon him) and said: The daughter of so-and-so (his wife) asked me to donate my slave to my son. Allah's Messenger (peace be upon him) said: Does he

have brothers? He said: Yes. He (peace be upon him) said: Have you given to each of them as you gave to him? He said: No. Thereupon, Allah's Messenger (peace he upon him) said: Then take him back; this is invalid and I can only bear witness to what is just.》

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Narrated by Ahmad, Muslim and Abu Dawud. It is also narrated by Abu Dawud on the authority of Al-Nu`man ibn Bashir in which Allah's Messenger (peace be upon him) said: 《Do not make me a witness to injustice, your children have the right to receive equal treatment》 Allah's Messenger (peace be upon him) ordered parents to be just to their children and this order necessitates that it is obligatory to treat children justly. This is substantiated by the saying of the Prophet (peace be upon him), "it is not valid", his saying, 《"I can only bear witness to what is just",》 his saying, 《"Do not make me a witness for injustice" as well as》 the other narrations to the same effect. **Second,** if he gave something to some of them but did not give anything to the rest, he has to take back the gifts. What confirms this is the Hadith narrated by Al-Nu`man ibn Bashir: 《His father brought him to Allah's Messenger (peace be upon him) and said: I have given this slave of mine to my son. Allah's Messenger (peace be upon him) said: Have you given to each of your sons (a slave) like this? He said: No. Thereupon, Allah's Messenger (peace he upon him) said: Then take him back.》 Agreed upon by Al-Bukhari and Muslim. In the narration of Muslim, he said: 《My father gave me Sadaqah (voluntary charity) but `Amrah bint Rawahah (my mother) said that she would not agree to it unless he made Allah's Messenger (peace be upon him) a witness to it. So, my father went to Allah's Messenger (peace be upon him) and said, 'I have given Sadaqah (voluntary charity) to my son from `Amrah bint Rawahah, but she ordered me to make you a witness to it, O Allah's Messenger!' Allah's Messenger (peace be upon him) asked, 'Have you given (the like of it) to each of your sons?' He replied in the negative. Allah's Messenger (peace be upon him) said, 'Be afraid of Allah, and be just to your children.' My father then returned and took back his Sadaqah."》

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Al-Bukhari related a similar narration with the use of the word 'gift' instead of Sadaqah (voluntary charity). **Third,** it is permissible for the father to give gifts to his sons who serve him and take care of him in return for their service. This does not mean that he gives preference to them over their other brothers provided that what he pays to them is equal to the same charge given to other people who offer the same service whether on a daily, monthly or yearly basis. **Fourth,** if the person dies, his offspring inherit him each according to his legal share of the legacy. It is not permissible for the Muslim to bequeath some of his inheritors more than their legal rights; neither from the legacy nor from other money. This is according to the saying of the Prophet (peace be upon him): 《Allah has appointed for everyone who has a right what is due to him, and no bequest must be made to an heir.》

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4282

Q: My father is about 75 years old. He had an old adobe house in a distinct location. I pulled it down to rebuilt it with concrete from my money. I rented the house and I still repay some of my debts from the value of the rent. It should be noted that I did not take loans from the Land Development Bank. My father wants to register this house in the name of one of my children who is seven years old. It should be noted that I have other five sisters. One of them is older than me and the rest of them are younger than me. I have sustained my father and my mother for fifteen years now. My father felt ill and I took him outside the Kingdom of Saudi Arabia for treatment. My son is the only male grandson in the family. My question now is: is it permissible for my father

to give this house to my son? It should be noted that my five sisters are married and my father assumed the expenses of their marriage. My parents live with me in my house, so the rest of my family do not oppose my father's registering of this house in my son's name and giving him the right to use it. I promised my father that in case my sisters left the house for my son, I will build another house for them from my money to free my father from responsibility. I would like to have your advice in this regard. Is my father or any of us committing a sin this way?

A: Considering what you have mentioned: 1- That your father will give the house to your son, even if there is no need for this at the present time; 2- That you promised your father if he gives the house to your son that you will build another house for your sisters from your own money; 3- That you have five married sisters; and 4- That you have built your father's house which he intends to give to your son. All this indicates that your father wants to give you alone the house and deprive your sisters from it. Your son is used as a cover for your practice of injustice. Therefore, it is not permissible for your father to give the house to your son according to the saying of the Prophet (peace be upon him): ﴿Be afraid of Allah, and be just to your children.﴾ As regards what you mentioned about your spending on your father's house,

if you did it out of kindness to your father, Allah will reward you for this. However, you should not take back what you spent on your father. If you intended to take it back from your father, it is permissible for you to do so but it is better not to. You should not regard whatever you spend on your father as too much, because Allah (may He praised and Exalted) will reward you much more than you could expect in case you are sincere to Him (may He be Praised and Exalted). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

The second question of Fatwa no. 4280

Q2: I fear Allah (Exalted be He) and I know that death is an inescapable reality. My mother owns a small house which I restored. My brother did not help with anything. He often angers my parents and treats them badly. Now he does not live with us. Being angry with him, my mother decided to register the house in my name. I advised her many times not to do that but she insists. Now I would like to know whether my mother will commit a sin if she has the house registered in my name and deprive my brother of his share of inheritance. Will I be committing a sin if I accept this from my mother?

(Part No. 16; Page No. 208)

A: If the reality is as you mentioned, it is not permissible for your mother to give you the house without giving your brother his share according to the Saying of the Prophet (peace be upon him): ﴾Be afraid of Allah, and be just to your children.﴿ and there are other Hadiths with the same meaning. If she did what you mentioned, she would be committing a sin and so would you, because your acceptance of what she did is cooperation with her in sin and transgression. Allah (may He be praised and Exalted) forbids this by His Saying: ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ The house must be returned to your mother or be shared between you and your brother equally. If you see that your mother insists on depriving your brother of inheritance, there is no harm in accepting it, then you can give half of it to your brother to free yourself of responsibility if your mother does not have other children. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 6646

Q: i am a woman who has three sons and two daughters. i own a piece of land,

(Part No. 16; Page No. 209)

which I want to donate to my youngest son Muhammad Sa`id Al-Shahry because he is paralyzed in his right leg. His brothers and sisters have approved this action; is there any sin on me if I do this? Could you kindly advice me? May Allah reward you best!

A: If the reality is as you have mentioned; that your children approved this and they are of legal age (to accept), there is no sin on you if you do this - in sha' Allah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 7384

Q: I want to inform you that I have a son and four daughters who live in one of my houses and I have also another two daughters from two other wives. I want to donate the mentioned house to the son and his sisters after estimating the house and compensating the other two daughters for their shares of the house. My question is: Is this action permissible? If it is permissible, should the value be distributed to the children equally or according to system of inheritance that the male takes the share of two females? Could you kindly advice? May Allah grant you success!

(Part No. 16; Page No. 210)

A: it is obligatory upon you to treat your children justly. If the share of two daughters equals their share of the house according to Shari`ah (the male takes the share of two females), it will be permissible. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 8310

Q: The questioner is a woman having the following concern. She has two daughters and three sons and owns five acres of land. She sold one acre and a half to help with her daughter's marriage. She agreed with her son in-law that he should pay Mahr (mandatory gift to a bride from her groom) and she would furnish the house. When her second daughter married, she sold a quarter of an acre to furnish the marital house of this daughter as she did with the first one. She wants to know what she must do with her sons. Must she help in their marriages as she did with the daughters or not? Or must she deduct the value of the land the two daughters took from their shares in the inheritance? Please enlighten us, may Allah reward you with the best!

(Part No. 16; Page No. 211)

A: First, she must meet the needs of her children, male or female, from their properties owned through the inheritance or whatever else. These needs may be furnishing the marital house, building a residential house, purchasing a piece of land for cultivation or other things. **Second,** it is obligatory for her to be just with all the children concerning the gifts given by her to help furnish their marital houses or other purposes according to their shares of the inheritance that each of them will own after the mother's death. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 10521

Q: I have four sons and three daughters. As for the daughters, one of them is married and two are young and employed. As for sons, two of them are employed and two are students. Those who are employed can not save money except for the value of their cars and the rent of their houses. One of them wants to marry, so I assumed the expenditure of his marriage except for a little sum which he paid. Soon -in sha' Allah- I will pay the expenditure of his brother's marriage. I will assign an equal value

for those who study in return for what has been spent in the marriage expenditure of their brothers. I have bought for my sons four pieces of lands for their residence; a piece for each one of them.

As for my employed daughters, they submitted their papers to the bank and -in sha' Allah- their names will be approved for building and living there. Their brothers -in sha' Allah- will follow their steps in applying, building and living there. Your Eminence, should I buy pieces of land for my daughters as I did with my sons, or should I leave money for them? Should they have compensation in return for what I have paid for the sons in their marriage? Is there any Zakah on the purchased pieces of land before they are assigned to them by the bank? Could you kindly advice me in this regard?

A: Firstly: It is obligatory to treat your children justly. You should purchase for the daughters half of what you bought for the son or give them money equal to that. **Secondly:** There is no Zakah (obligatory charity) on mentioned pieces of land because they are not set for trade. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 11087

Q 1: I bought a piece of construction land in installments for my children - both the boys and the girls equally. I paid a deposit and I will continue to pay the remainder in installments, with Allah's Permission, as a gift from me to them. My question is: is it obligatory that the shares of boys should be twice that of the girls or is this ruling restricted only to inheritance and does not apply to gifts given when alive?

A: If anyone gives gifts to their children during their lifetime, it is obligatory for them to be fair and give the male twice the share of the female, according to what is prescribed by Allah (Exalted be He) regarding the distribution of inheritance. Giving gifts during one's life is one of two forms of giving, as 'Ata' said, "They would not divide it, except in accordance to the Book of Allah (Exalted be He)." May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 14575

Q 1: i have one daughter only and own a house of two floors. i have brothers also, but i want to give my daughter part of the house.

(Part No. 16; Page No. 214)

Is this permissible or would this grant affect the rights of the inheritors and thus be regarded as Haram (prohibited)?

A: There is no harm in giving part of the house to your daughter if you do not intend by this to exclude the rest of the inheritors and if the grant is concluded immediately and your daughter possesses it and has the right to dispose of it, because this is a kind of donation. On the other hand, it is not permissible to bequeath this in your will because no bequest must be made to an heir. It was authentically reported from the Prophet (peace be upon him) who said: (No bequest must be made to an heir.) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Ninth question of Fatwa no. 14893

Q 9: i have three brothers and a sister. My father passed away and my mother was about to receive her portion of inheritance but she waived this to one of my brothers on the plea of my brother having a low income. My mother thus asked me to register every thing in my brother's name without telling any of my siblings; will I be considered a sinner if I do so? It may be worth mentioning that if I inform my siblings, they may be angry with me because my mother is elderly. What is the opinion of your Eminence?

A: If this money is the portion of your mother in the inheritance of your father, it is impermissible for her to bequeath it to some of her children but not the others. It is Wajib (obligatory) on her to deal with them justly

(Part No. 16; Page No. 215)

so that they all behave virtuously towards her. Proof for the foregoing is the Hadith that is related by Al-Bukhari and Muslim on the authority of Al-Nu`man ibn Bashir (may Allah be pleased with them both) (That his father brought him to Allah's Messenger (peace be upon him) and said: 'I have donated this slave of mine to my son'. Allah's Messenger (peace be upon him) said: 'Have you donated to every one of your sons like this?' He said: 'No'. Thereupon Allah's Messenger (peace he upon him) said: 'Then take him back'.) and in another narration the Messenger of Allah (peace be upon him) said: ('Have you done the same with every son of yours?' He said: 'No.' Thereupon he the Prophet said: 'Fear Allah, and observe equity with your children.') Moreover, according to another narration: Then the Prophet said: ('Would it please you that they (your children) should all behave virtuously towards you?' He said: 'Yes.' He (the Holy Prophet) said: 'Then don't do that' 'i.e. don't give gift to one to the exclusion of others'.) The foregoing applies in the case that your mother gives such portion of inheritance to your brother while she is healthy. Regarding bequeathing it to him, this is impermissible unless the rest of the inheritors, of legal age, permit it. As for the under aged inheritors, their rights have to be kept for them until they are of legal age so that they may permit the will or the gift or receive their rights. Evidence for the foregoing is the Hadith that is narrated by Abu Umamah who said: I heard the Messenger of Allah (peace be upon him) saying: (Allah has appointed for everyone who has a right what is due to him, and no bequest must be made to an heir.) (Related by Abu Dawud Al-Tirmidhy who commented: 'It is a Hadith Hasan Sahih', Ahmad, and Al-Nasa'y). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 16575

Q 1: is it permissible for a parent to transfer ownership of his farm to one of his children to the exclusion of the rest? My father registered a farm in my name, leaving my sister and young brother with nothing. Am I obliged to support them financially or not?

A: A parent should be fair in giving gifts to his children, allocating shares based on the Islamic rules of inheritance. He is not permitted to give preference to some of his children over others, as the Prophet (peace be upon him) forbade this. Al-Nu`man ibn Bashir (may Allah be pleased with him) (reported that his father brought him to Allah's Messenger (peace be upon him) and said: I have given this slave of mine to my son as a gift. Allah's Messenger (peace be upon him) said: Have you given to every one of your sons (a slave) like this? He said: No. Thereupon Allah's Messenger (peace be upon him) said: Then take him back.) (Agreed upon by Al-Bukhari and Muslim). Thereupon, your father should be fair when it comes to giving gifts; he should either give the same gift to the rest of his children or take it back from his son. If your father is dead, you should divide the inheritance between you and the rest of the heirs according to the Shar`y ruling. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

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The third question of Fatwa no. 17001

Q 3: My father endowed me with an old house as a gift, which I later demolished and rebuilt. My father also gave my brother land to build a house on. Then, he gave me, my brother and mother a sum of money as a gift to help us with the building, bearing in mind that we have other brothers. What is the legal ruling in this regard, and what is the ruling if those brothers were content with what happened?

A: parents should be fair with their children in respect of giving gifts. The Prophet (peace be upon him) said, ('Be afraid of Allah, and be just to your children.') There is no harm in the conduct of your father if the rest of your brothers, who are of age, are content. However, if they are not, it is not permissible for your parent to privilege you and your brother with gifts to the exclusion of the rest of your brothers, on account of the said Hadith. If there is a dispute in this regard, you should refer it to the Shari`ah Court. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

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Fatwa no. 16077

Q: We are five siblings; three males and two females. Our father died and left behind an old abode house of 110 square meters. I am the youngest of my brothers and sisters. Since I was taking care of my mother, she gave her share of my father's inheritance to me before she passed away. Now, I am 43 years old; is my mother's act permissible or is it considered a sin which deserves the punishment of Allah? If this is the case, what should I do to remove the sin from her?

A: it is not permissible for one of the parents to single out some of his children with a gift. They should treat them justly without discrimination. The Prophet (peace be upon him) said: (Fear Allah and treat your children justly.) He (peace be upon him) said so after he had condemned the acts of the Companion who singled out some of his children with a gift. Your mother's act was not permissible, so you have to give it back and distribute the house according to the legal way of inheritance; the male takes the share of two females. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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(Part No. 16; Page No. 219)

Fatwa no. 17813

Q: I am a married man, and I have three sons and a daughter. I have spent around 500,000 Riyals on my daughter's wedding and to buy her clothes, jewels and other things she needed. My elder son studies abroad at my expense in the United States of America, which costs me 150,000 Riyals each year. I would like to ask your Eminence:

is the money i spent on my daughter's wedding and on my son to study in America considered normal expenses born by a father, or a grant that should be distributed equally among all children, which means that I should grant my other children a similar sum of money?

If this is considered a grant, should it be distributed equally among the boys and girls, or should a boy take twice as much as a girl, according to the legal rulings on inheritance?

(Part No. 16; Page No. 220)

A: First, you should distribute your grant among your children with justice, as the Prophet (peace be upon him) said, ﴾Be afraid of Allah, and be just to your children.﴿ You should be just in whatever you grant them as a gift and as assistance, such as marriage. However, if one of your children is in need of money, you should support them financially. There is no harm in this case in not giving the wealthy ones, because supporting them does not fall under the category of grants. **Second,** spending money on your son's study abroad in a non-Muslim country is impermissible unless in case of obligation, because living there subjects a person to many Fitan (temptations) and Munkars (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) that affect one's religion and morals. However, if your son is obliged to study abroad, and he is holding to his religion and resisting those evils, there is no harm in sending him there and supporting him financially. **Third,** as for spending 500,000 Riyals in your daughter's wedding, this is a form of prohibited wasting of money; you might be punished for this, unless you perform Tawbah (repentance to Allah) and stop wasting your money. This money is a gift from Allah, and people are only trustees for it, as Allah says, ﴾And give them something (yourselves) out of the wealth of Allâh which He has bestowed upon you.﴿ (Surah Al-Nur, 24: 33). He also says, ﴾and spend of that whereof He has made you trustees.﴿

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(Surah Al-Hadid, 57: 7). This means that Allah has made us trustees for this money, and we should keep the limits of Shari`ah (Islamic law) while spending it. Shari`ah has regulated our ways of spending money by prohibiting wasting it, as Allah says, ﴾And give to the kinsman his due and to the Miskîn (poor) and to the wayfarer. But spend not wastefully (your wealth) in the manner of a spendthrift. (Tafsir At-Tabarî)﴿ ﴾Verily, the spendthrifts are brothers of the Shayâtîn (devils), and the Shaitân (Devil-Satan) is ever ungrateful to his Lord﴿ ﴾ And if you (O Muhammad صلى الله عليه و سلم) turn away from them (kindred, poor, wayfarer whom We have ordered you to give their rights, but if you have no money at the time they ask you for it) and you are awaiting a mercy from your

Lord for which you hope, then, speak unto them a soft kind word (i.e. Allâh will give me and I shall give you).﴿ ﴾And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty.﴿ (Surah Al-Isra', 17: 26-29). He also says, ﴾And those who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes).﴿ (Surah Al-Furqan, 25: 67). This means that they do not waste money and spend it on prohibited things; and at the same time they are not miserly and stingy. The ideal state is to be moderate between those two states. **Fourth,** you should divide the grant among your sons and daughters according to the legal way of distributing the inheritance, as it is the fairest way; a male is given twice a female's share.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 18231

Q 2: A person is living with his wife and their two sons and two daughters. He has a son and a daughter from another wife whom he divorced. He raised all his children and gave the son of the divorced wife money to help him travel abroad. The son traveled abroad and earned a lot of money with which he got married, bought a piece of land, and built a house to live in with his mother and sister. The daughter still receives a monthly payment from the father until the present time. However, both the son and the daughter are not dutiful to their father and neither offer Salah (Prayer) nor observe Sawm (Fast).

The father had a piece of agricultural land which he sold and distributed its money among all his family, each according to their share. On the other hand, the two sons living with him contributed with their shares of the sold land to help their father buy a new piece of land and build a house on it. The same contribution was presented by their mother. In addition, they work with their father in his grocery and grain store, live with him, and eat from his provisions. One of them got married and the other traveled to work in a rich country, got married, and used to send the money he saved to his father to finish building the house.

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They are now living in this new house.

The father registered the whole building to his sons who are living and working with him. He did the same with the store. What is the ruling on this? How can we calculate the share of each son in return for their work with their father throughout these years, bearing in mind that the burden of work is carried out by them and their mother since the father is now old? Please advise, may Allah reward you, for we fear that this act would be Zhulm (injustice) on the part of our father or on our part after his death, or that a dispute may take place between us. May Allah reward you with the best!

A: the father has to be just to his children, regarding the money he gives them, bearing in mind that the share of a male is twice the share of a female. The Prophet (peace be upon him) said: ﴾Fear Allah, and be just to your children.﴿ The father is required to give the sons working with him payment in return for their work if they ask him for this, like what he does with the other workers. Those who contributed with their own money in building the house are to be his partners, each according to their contribution. The father should be just regarding the money he gives to his children, whether to those living with him or those who are not and those working with him or those who do not. The Prophet (peace be upon him) ordered Muslims to be just to their children in their grants; he even described the act of differentiating between them in grants as Zhulm. Hence, the father must fear Allah regarding this matter.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 19089

Q 1: I am an Egyptian teacher. My son died and now I have two daughters. I live in a residential building in Alexandria. I bought a flat and then transferred its ownership to my two daughters in order to secure their life after my death. Is this permissible or does it contradict the Shari`ah law of inheritance?

A: What you did comes under giving gifts to children, which is permissible on condition that they are given equal shares. For this the Prophet (peace be upon him) said, (Fear Allah, and be just to your children.) May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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The fifth question of Fatwa no. 20321

Q 5: i have two sons, one of them is dutiful towards me and his mother and the other is impious to us. i would like to grant all my property, including the real estate, to my dutiful son and to deprive the other from his inheritance. What is the ruling on this matter?

A: It is not permissible for parents to give preference to one of their children over the other when giving gifts, because the Prophet (peace be upon him) instructed saying, ("Fear Allah and treat your children fairly") as this will lead to envy, grudges, hatred, enmity, and resentment between the brothers. It also conflicts with the objectives of the Shari'ah (Islamic law), which came to encourage harmony, strengthening ties of kinship, love, and affection between relatives. It is obligatory on parents to reform their undutiful children, using methods that do not harm their familial life in this world or in the Hereafter. They should also make much Du'a' (supplication) that their children will be upright and righteous. Allah is the One Whose help is to be sought. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17933

Q: allah has granted me many children (may allah guide and bless them). Some of them have graduated from university, married, and started working, whereas others are not yet married. Would it be wrong of me to help my unmarried children to get married, without helping those who are already married? Please advise me and may Allah reward you with the best reward! As-salamu 'alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you)!

A: It is obligatory on you to help those of your children who need to get married, if they can not afford to do so on their own, and if you are able to do so. You do not have to give your married children, who could afford to get married with their own money, as much as you give to the needy ones, as this is regarded as the obligatory financial support that you have to provide. This is not judged the same as gifts that must be given evenly among your children. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 20433

Q: i have an large family, all praise be to Allah.

(Part No. 16; Page No. 227)

I helped one of my sons with his marriage. Must I help all the other children in the same way that I helped him and give to each of my daughters half that, so I can avoid falling into sin due to not being fair and treating them equal? If I cannot afford to do that, should the son I helped repay what I gave him, bearing in mind that he now earns a good monthly income? Please advise me and may Allah reward you with the best!

A: It is obligatory on you, if you are able, to help your children, both your sons and daughters, to get married when they reach the suitable age. You do not have to give your other sons the same as you gave him all at once. However, if one of the other sons needs help to get married, you should offer it, as this comes under the heading of their Nafaqah (obligatory financial support) that has to be given according to need and necessity; it is not regarded as an absolute gift. Women are usually given a Mahr (mandatory gift to a bride from her groom) before marriage, so your daughters' needs are not the same as that of your sons'. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 17782

Q 3: i had a piece of land and one of my children also had a piece of land. i took the land

(Part No. 16; Page No. 228)

of my son and handed it over to the ministry of Awqaf (endowments) because it is located in a suitable place for building a Masjid (mosque). Someone undertook the responsibility to build it and I helped him with a small amount of money. However, until now I did not give my son the piece of land which I intended to give him in return for the piece of land which I took. Is this permissible? Would it be permissible if I gave him the value of the land which the benefactors built as a Masjid without giving him the piece of land?

A: It is permissible for you to dispose of the piece of land owned by your son and give it to the ministry of Awqaf. However, you have to compensate him with a piece of land or its value. There is no preference for him over his siblings because it is in return for his piece of land of which you disposed. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 17824

Q: I am a forty two year old man. I got married eighteen years ago. I have four children; three girls and one boy, all praise be to Allah Alone. My story is that when I got married my father provided only me with bedroom furniture. This was because of his difficult

financial situation, for at that time he was just a small grocer. I thus lived with my parents and siblings in one house. Nevertheless, my father separated me after only a few days even though I had no income except for the salary that I earned from my governmental job while my wife was unemployed.

I started to live on my own and I started to buy the furniture I needed piece by piece. My wife and I tasted the bitterness of our very severe situation and suffered from hunger. Then my wife became pregnant, soon we started to have children, and I got preoccupied with the cost of living. I had to bring up the children and buy the rest of our home's furniture (including the kitchenware etc.). It may be worth mentioning that the flat which my father gave me in the same house was not ready. It did not have any doors, windows, water, or electricity. I started to do all these things step by step.

I continued having these and similar difficulties for ten years during which my father did not know anything about me except that I was still alive. He would not even ask about me to make sure that I was well. On the other hand, during these ten years my father's trade expanded and he became a big and renowned wholesaler. My father therefore married my brothers off. He provided each one of them with perfect furniture at the best level. He fully finished a flat at the best level for each one of them. Even my sisters, when my father married them off, he provided them with perfect furniture at the best level.

One day my father offered me a job at his store to work with my brothers for eighty pounds a month. He told me that every year he would give me five sacks of rice and barley and one sack of

wheat. My father made me understand that my brothers would get the same salary so I obeyed him and started working in the store. This was the start of psychological torture and depression. It was the discrimination that made me hate all my brothers. I discovered that one of my brothers did not get the salary that my father told me about; rather, he got all the money he needed from the store whether informing my father about it or not. Perceiving that, my children would ask me: "O daddy! Is this uncle of ours not your brother?"

One day I expressed myself freely to my sisters and mother that my brother would take things from the store without informing my father. Thereupon every one flared-up with anger against me and treated me as an enemy. When my children grew and living cost became more expensive, I requested from my father to increase my salary but he

refused. However, he allowed me to take from the store what would fulfill the needs of my family and mine whether informing him or not. Nonetheless, if I fell sick; my father would not ask about me except as a matter of routine. On the contrary, if one of my brothers fell sick; all would concern themselves greatly with him. Moreover, if I complained during work that I had any pain; my father would not pay attention to me. But if one of my brothers had a little pain; my father would say: "Go and rest". It is worthy mentioning that I am the elder brother and the only one who suffered from the pain of bad financial conditions.

Today my salary along with what my father permitted me to take from the store does not suffice my family needs because my father does not support me with anything at the beginning of academic years, winters, or `Eids (Festivals). Thus I would like to ask your Eminence the following questions:

Q 1: Is it Halal (lawful) or Haram (prohibited) that I take money from my father's store without informing him to complete buying the rice, wheat, and clothes that suffice my children and me?

Q 2: Do I have the right to request my father to pay me the value of the furniture that I bought for myself and the money that I paid to finish the work that needed to be done in my flat, bearing in mind that my father had to do all the foregoing for me? It may be worth mentioning that if I request so, my father will get angry and reject the request.

Q 3: Some repairs, plumbing and painting, need to be done in my flat. If I request my father to pay for the foregoing, he will refuse. Is it permissible for me to take money from the store without informing him to make these repairs? It is noteworthy that such repairs will be in the interest of the whole house for we all live in one house; each lives in a separate flat.

A: If your father allowed you, as he did with your brothers, to take from his store whatever you need for yourself and your family even without informing him; it is permissible for you to do so. On the other hand, if your father helped your brothers in their marriages; it is Wajib (obligatory) on him to provide similar help to you. Proof for the foregoing is a Hadith which is narrated on the authority of Al-Nu`man ibn Bashir (may Allah be pleased with them both): (That his father brought him to the Messenger of Allah 'peace be upon him' and said: 'I have donated this slave of mine to my son'

Allah's Messenger 'peace be upon him' said: 'Have you donated to every one of your sons like this?' He said: 'No'. Thereupon Allah's Messenger 'peace he upon him' said: 'Then take him back'.) and in another narration: Allah's Messenger 'peace be upon him' said: ('Have you done the same with every son of yours?' He said: 'No.' Thereupon he (the Holy Prophet) said: 'Fear Allah, and observe equity with your children.' So my father returned and took back the gift.) Another narration reads: Allah's Messenger 'peace be upon him' said: ('O Bashir, do you have other children besides this son' (i.e. whom you gave a gift)? He said: 'Yes.' The Prophet then said: 'Have you given them all like him?' He then said: 'No.' Thereupon, the Prophet said: 'Seek another person to be a witness to that, for I am not to be a witness to an unjust act.') and in another narration: ('Do not make me a witness for injustice.') and in another narration: ('Call someone else besides me as a witness.' And he further said: 'Would it please you that they (your children) should all behave virtuously towards you?' He said: 'Yes.' He (the Prophet) said: 'Then don't do that' i.e. don't give a gift to one to the exclusion of others).) (Agreed upon by Al-Bukhari and Muslim). If you find that your father is neglectful of your

rights in comparison to your siblings, ask him politely and softly to give you your due rights and clarify to him that applying justice amongst children is Wajib according to Shari`ah (Islamic law). Finally, if your father complies with the foregoing then all praise be to Allah Alone. Otherwise, it is impermissible for you to take from his money to make the repairs that you mentioned in the question. You have to exercise patience for it may be that Allah guides him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 2616

Q: I have five sons; four of them are full brothers and the fifth is a half-brother. My stepson asked me on 1380 A.H. to depend on his income and I agreed. The situation of the four brothers is as follows:

One of them receives a low salary from Al Ma`had Al-`Ilmi (the Scientific Institute) which is not sufficient for him. The second had a job three years ago and his income hardly sustains him. The third started to work and earn money seven years ago. He may have money or he may be indebted. As for the fourth and eldest son, he has been assisting me since 1380 A.H. I have bought a house in Riyadh and paid for it from my income along with the income of my oldest son who also bought a piece of land in Riyadh. He obtained half of its price from the money of a piece of land he had sold and the other half of its price we paid from our incomes. He also bought a factory and paid for it from some money he borrowed from one of his friends. Then he paid for the factory and made some profit.

Your Eminence, I hope you will give me a legal ruling regarding the following:

1- Do the brothers deserve shares in the house mentioned above

or does it belong to the older brother alone since it is he who assisted me in paying for it?

2- Is the property that they own theirs or it is permissible for me to take from it or does all that they earn belong to me?

I think that my sons and I have had the same financial status since 1380 A.H. It should be noted that we live together in the same house. It should also be noted that they bought their property by themselves. They did not sell any of my property which I bought before they reached the age of puberty and started to earn money. My income at the present time is sufficient to sustain me. I need your advice. May Allah reward you best!

A: If the reality is as you have mentioned, **first,** half of the house you bought in Riyadh belongs to your eldest son and the other half is yours, for both of you and none of the other brothers paid for it. You should be just to your sons as regards the half that belongs to you; acting upon the saying of the Prophet (peace be upon him): (Be afraid of Allah, and be just to your children.) This will be the case unless you both intended that the house belongs to all the brothers or your eldest son intended that it all belongs to you alone. **Second,**

the money earned by each of your children belongs to them as long as you are not in bad need of it. As regards the factory that your son bought and paid for from his income, it belongs to him as well

as its profit and none of his brothers has a share in it. As regards the piece of land which your eldest son bought in Riyadh, half of it belongs to him because he paid for it from his income and the other half is a fifty-fifty property between you and him because you both paid for it from your incomes. Therefore, you own one fourth of this piece of land and you should be just to all your sons in it according to the Hadith mentioned previously. The money that your sons earn by their efforts belongs to them unless you are in bad need of it. In that case, what fulfills your need is yours. If you agreed or intended that you share all that you earn, the money you earn will be joint property according to this intention or agreement and according to the Hadith: (The reward of deeds depends upon the intentions.) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Deputy Chairman	Chairman
\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 10691

Q: i have many male and female children. i asked my youngest son to stay with me to take care of my camels and sheep, fetch fresh water and take care of me. i stipulated that i will give him a she-camel for every year he spends with me as a reward for his efforts because his brothers left me to seek work but he obeyed my orders and stayed with me for almost three years. Now, he has three camels. Is it permissible to single him out with something in return for his efforts? Could you kindly advise me in this regard. May Allah reward you best?

A: If the reality is as you have mentioned and that his service was proper to the reward you stipulated, there is no harm to give him the she-camel in return for his efforts. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 11933

Q 1: My father passed away and he had divided

his estate before his death between his children; three boys and three girls. He had granted to each of his sons - before dividing the farmland and houses - land on which we could build houses for ourselves; and each of us has built a house for himself and his children. Do our sisters - who are all married now - have any right in the houses that each of us has built and live in at his own expense, with no involvement from our father's money?

The question, in brief, is: do our sisters have any rights in the land that was given to us by our father during his lifetime, upon which we have built houses, as I mentioned, from our own earnings?

A: If your sisters have agreed to this proceeding, there is no sin on you, but if they have not, it is obligatory on you to give them their right to a share in the land according to the rules of inheritance, with the males having twice that of the females, because the Prophet (peace be upon him) instructed saying, ("Fear Allah and treat your children fairly.") May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

(Part No. 16; Page No. 238)

Fatwa no. 7858

Q: i have seven sons and five daughters and i work in trade. My elder two sons have worked with me for ten years. After I spent money on them and paid their marriage expenses and they had children, they demanded a certain percentage of the next profit or to assign a fixed salary for them. They asked me to do so for I asked one of them who is a teacher and earns 7,000 Riyals per month to resign from his work so he could work with me in trade. I handed all my money over to them to dispose of as they want and did not prevent them from anything they wanted.

However, I did not single them out with anything. It is worth mentioning that the youngest of my children is one year old. I have two wives and perhaps I will have other children. I fear that I might treat any of my children who work with me in business unjustly because they have children as I have. At the same time, I do not like to treat my young children unjustly if I give something to those who work with me. Could you kindly advise me in this regard.

A: There is no harm to fix monthly salaries for them in the future in return for the efforts they exert in business provided that it is equal to the amount given to their peers.

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The third and fourth questions of Fatwa no. 12385

Q 3 and 4: someone says that his father gave him 20,000 riyals to invest and he returned the money with half the profits without his father's knowledge. Is this permissible for him? If it is not permissible, what should he do now after his father has died?

Another man says that his father gave him 20,000 riyals to invest but his father is dead now. He asks if he should return the money with half the profits to the heirs and take the other half. Please bear in mind that his father did not specify him a fixed percentage of the profits.

A: The concerned person must pay the original sum of money plus the profits to the heirs, as long as the father has not specified a certain percentage of the profit for them.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12633

Q: Respected Shaykh, there is a father who has seven daughters and seven sons, the eldest of which is undutiful. The three other oldest sons agreed with their father to open some stores in 1400 A.H. on the condition that half the profit would go to the father and the other half to the three sons. The three sons have managed the businesses successfully, and even two of them left their studies to operate the stores. They have continued to operate these businesses since 1400 A.H. until the present; however, the father believes it is unfair that the three elder sons enjoy half of the profit while the rest of their siblings get nothing.

Is taking that share of profit Haram (prohibited), bearing in mind that the rest of the brothers and sister are still young while the three elder sons have dedicated themselves to managing these businesses. The father requested that Shaykh `Abdul-`Aziz's advice be sought in this matter. Guide us, may Allah reward you with the best!

(Part No. 16; Page No. 241)

A: There is nothing wrong if the father agreed with the three elder sons to manage the stores in return for half of the profit, if the case is as you mentioned. This is because the profit they receive is in return for the work they perform, and not a Hibah (gift) that their father specially apportioned for them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fourth question of Fatwa no. 9271

Q 4: my father owns an agricultural land and he has given my brother part of it in return for cultivating the land. Is this permissible, even if the heirs disapprove of it?

A: This is permissible if your father is the sole owner of the land and he gives your brother a part of it in return for cultivating the whole land, without any favors involved in the agreement. In case of any dispute, the matter is to be referred to court. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 8671

Q: i have been granted a piece of land - like everyone else in Ghat city - and the grant deed says "for him and his sons". Do my daughters have a right in this grant? Answer me to free myself of guilt, may Allah reward you good!

A: If the grant deed states what you have mentioned, then this land is for you and your sons not for the daughters. The daughters will have a share of the granted land and everything else you own after you die. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8480

Q: My father died in 1970. In 1974, i submitted a request to the Land Authority to acquire a plot of residential land in my name. As it was not possible to acquire two plots of land in my name, I deceived them and submitted another request in the name of my late father's family, Iram Ibrahim. As expected, the request was approved and I was given two plots and paid the stipulated fees.

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What is the ruling of the Shari'ah (Islamic Law) on the land in the name of my late father's family? Is it considered as belonging to his heirs or to me? Please advise me and may Allah reward you!

A: First: You did wrong by resorting to deception and you have to perform Tawbah (repentance to Allah) for this. **Second:** Your father's family is entitled to the land that was issued in their name. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 17663

Q: I decided - with Allah's Help - to establish a trading, agricultural, and manufacturing company with the following partners: Me, my first wife, and our children, an adult son who is eighteen years old and three young daughters; and my second wife and our children, a four-year son and a younger daughter. The company was established with a capital of 1 million Saudi Riyals divided into 10,000 shares, each valued at 100 Saudi Riyals. The shares are as follows:

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I have 5,000 shares valued at 500,000 Riyals.

My first wife has 1,000 shares valued at 100,000 Riyals.

My second wife has 1,000 shares valued at 100,000 Riyals.

Each son and daughter has 500 shares valued at 50,000 Riyals; they all have the same shares, with no difference between the boys and the girls, for the following reasons:

First: The wealth that each son and daughter has shares in is their own personal wealth from gifts they have been given from their grandparents, aunts, and uncles since they were born. They are therefore entitled to these shares and I, as their father, am their guardian according to the Shari'ah (Islamic law) and positive law.

Second: As I am not distributing this property as part of an estate or inheritance, I have not applied the principle that a son takes twice as much as a daughter. This wealth is the personal right of each son and daughter that cannot be shared by their mothers or me, their father.

Third: What will be distributed among them, as my estate and my legacy after my death will be

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my share in this company, and that will be distributed among them and their mothers according to the shares specified in the Shari'ah.

Fourth: In my view - which may be wrong - even if I was buying the shares for my sons and daughters from my own money as a gift for them, am I not required to give them gifts equally? Aren't I supposed to give equally to all my children as long as I am alive or is it also obligatory on my to apply the principle that a son gets twice as much as a daughter when giving gifts?

In that case, is it obligatory on me to make my sons' shares in the company double that of my daughters' or is it ok for them to be equal?

I hope that you will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) from the point of view of the Shari'ah on this matter so I can give each one their rights, as explaining the Islamic perspective on this issue will surely help me and maybe help others too. May Allah reward you with the best and guide you to what pleases Him!

A: If the reality is as you mentioned in the question and in the attached copy of the company regulations, what you have done is correct. There is no need to make the shares of the males double that of the females, as long as the shares were bought with their own wealth, as was mentioned in the question.

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However, if you are buying the shares from your own wealth, then according to the more correct of the two views maintained by the scholars, it is obligatory on you to apply the principle adopted in the division of inheritance, which entails giving the male twice the share of the female, because this is the division that Allah (Glorified be He) has chosen for them in inheritance, and the same is true for gifts. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 9333

Q 1: if my father sent me to buy him something, and, after i had bought it, i still have some money left over, is it permissible for me to take it without my father knowing?

A: If, after you had bought those things, there was some money left over from the money that your father gave you, it is obligatory on you to tell your father about it. If he allows you to take it, you may, provided he also gives your siblings the same, in accordance with the saying of the Prophet (peace be upon him), ("Fear Allah and treat your children fairly.") If he does not, then you should give it back to him.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Revocation of a gift

The second question of Fatwa no. 847

Q 2: A person gave his wife his whole furnished house. Can he revoke this gift? How can he do this?

A: If the wife has not received the gift of her husband in the conventional sense of receipt, he is permitted to revoke it. However, this would not be an honorable deed because the Prophet (peace be upon him) said: (The one who takes back a gift is like a dog which swallows its vomit.) If the wife has actually received the gift in the conventional sense of possessing the likeness of which, then it is considered a property of her own and he cannot revoke it according to the Shari`ah (Islamic law) except with her consent. However, revoking his gift even if she is willing to give it back to him would not be an honorable deed on his part. If a dispute arises about the gift or about what is considered an actual receipt of it, the matter is to be settled before the Shari`ah courts.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2816

Q: My brother came to visit me in the town I was working in, which was not where the family lived. I gave him a sum of money as a grant and not as a loan and I would never ask him to repay it, and he knew that. He took the money and returned to our town where he used it to get married. His wife remained with him for a while before they had a fight and his wife became recalcitrant. Later, my brother bequeathed me, in the presence of witnesses, the money of the grant as if it was a loan to be repaid. He died soon afterwards.

Upon returning to my home town after my brother's death, I was notified of his will and his widow claimed her share in the inheritance. So I claimed the money he bequeathed for me which I had granted him before. She actually gave me my share - which is the repayment of the debt he had bequeathed for me - and then she took her share

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of the inheritance.

Answer me regarding my brother's will; for I fear he only intended to harm his wife, may Allah reward you well!

A: If you gave this money to your brother as a grant and he accepted it, knowing it was a grant, it is not permissible for you to take it back. The Prophet (peace be upon him) said, ("Anyone who takes back a gift is like a dog that eats its own vomit.") (Agreed upon). Consequently, this sum of money takes the same ruling as any money owned by your brother and you have to return it to his heirs. If you are one of his heirs, you will take only your share according to the laws of inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 6048

Q: What is the ruling on someone who was given a grant by his brother - and in Shariah (Islamic law) a grant is not to be returned - but he thought of it as a loan and wanted to repay it? Is there any sin in repaying the granted amount? what is the ruling on the granting brother who stresses it is not to be repaid and then asks for it and accepts it when paid?

A: There is no harm in returning the grant but it is not permissible for the granter to ask

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for a repayment or to accept it. However, if the one granted refuses to consider it a grant, the granter has the right to take the repayment. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 6609

Q 1: is it permissible for a man to take back gifts which he has given to his brother? Please support your answer with evidence.

A: It is not permissible for him to take it back, for the Prophet (peace be upon him) was authentically reportedly to have said, (One who takes back his gift (which he has already given) is like a dog that swallows its vomit.) Reported by Al-Bukhari and Muslim. It is proved that the Prophet (peace be upon him) also said, (We (believers) should not be described by such an evil simile. The one who takes back his gift is like a dog which vomits, then returns to (eat) its vomit.) May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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(Part No. 16; Page No. 251)

Fatwa no. 8068

Q: Your Eminence, my name is Husny Rafi' Sa'yd Ahmad Al-Ghamidy. I made over my share in some land as a gift to my nephew, but, as he has not yet reached the full legal age, I gave it to my brother. This land, which is called Al-Shat, used to belong to my father (may Allah forgive him) and is located in Ghamid. I inherited this land from my father,

and my mother and two of my sisters also have rights in this land. Your Eminence, I am married and have two sons and three daughters. I do not want to deprive them of their right in their grandparent's estate, so I would like you to advice me on the most suitable way to retrieve this gift that I previously gave to my nephew.

A: a gift becomes binding by acquisition. If your brother, the father of the gift recipient, has received the gift, as was mentioned in the question, it is not permissible to take it back after he has received it. This is only in regard to your own right in the land. As regards the shares of other inheritors, if anyone has shares in your father's estate, they retain their rights in it, and it is up to them whether to keep their shares or give them away as gifts to whomever they wish or even to sell them.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The seventh question of Fatwa no. 10896

Q 7: is it permissible for parents to spend the money granted to their children, whether it is in the form of cash or physical assets?

A: It is permissible when necessary, provided that there is no harm to the children, as the Prophet (peace be upon him) said, (The most pleasant of what you eat is that out of what you earn; and your children are from your earnings.) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

(Part No. 16; Page No. 253)

The second question of Fatwa no. 7631

Q 2: a person sent his father an amount of money to keep for him as an amanah (trust) until he returns to his country, or to invest it for him (the son). The father bought a piece of land and registered it in his name. Is it permissible for the son to demand that his father registers the land in his name (the son)? Or is it permissible for him to ask for the money he gave to him? What should he do in this case?

A: If the reality is as you have mentioned, you should ask for your right from your father in a proper manner except if he is in need of the revenue of the land you gave him. If he responds to you, all praise is due to Allah, and if he is in need of it or of its revenue to spend on himself and those whom he supports, you have no right to demand it from him. The Prophet (peace be upon him) said: (You and what you own are at the disposal of your father) He (peace be upon him) said this when a man said to him: My father needed my money. He (peace be upon him) also said: (The most pleasant of what you eat is that out of what you earn; and your children are from your earnings.)

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 20452

Q 2: i have a monthly salary that i distribute in such a way that everyone has a share, either to spend or save as they wish. Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on what i am doing and may Allah grant you success!

A: It is obligatory on you to provide each of your wives and children with what will suffice them. There is no need to distribute your salary in the way you mentioned. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19324

Q: the International Islamic Relief Organization holds regular charitable events called Sanabil Al-Khayr in some regions of Saudi Arabia to increase their resources and raise funds. These events are attended by the princes of the regions and major Saudi contributors.

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Your Eminence, may Allah reward you, has contributed to many of these events, and you were one of the first people to donate money for this noble purpose.

The original ruling concerning these parties is offering Sadaqah Jariyah (ongoing charity) which is considered Waqf (endowment) for the charitable purposes of the organization. However, some contributors do not mention in the donation form they sign that this is a Waqf. This causes some kind of ambiguity to officials in the organization, concerning whether the donations given in those events are considered Waqf and should be referred to the relevant entity, or if it is a general form of charity that can be spent directly in various charitable projects that are undertaken by the organization, such as health care, orphans, educational programs and establishing Masjids (mosques).

So, I referred this matter to Your Eminence. Please advise whether the money that is submitted to the organization on these occasions is considered as Waqf for its charitable projects, to be managed and spent under their supervision, or if it is a general donation that might be spent according to the needs of the organization. Please advise, so that the officials become well-informed concerning this issue.

A: The original rule concerning the money that is paid to this organization is that it is considered a type of support to its activities.

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All the money is in the form of donations that might be spent by the organization in various forms of charity that they undertake, unless the donor stipulates that it is Waqf. In this case, it should be spent in the way that is stipulated by the Waqif (endower). The Zakah that is paid to the organization can only be spent in the eight channels of distributing Zakah mentioned in Allah's saying, ﴿As-Sadaqât (here it means Zakât) are only for the Fuqarâ' (poor), and Al-Masâkin (the poor) and those employed to collect (the funds), and to attract the hearts of those who have been inclined (towards Islâm), and to free the captives, and for those in debt, and for Allâh's Cause (i.e. for Mujahidûn - those fighting in a holy battle), and for the wayfarer (a traveller who is cut off from everything); a duty imposed by Allâh. And Allâh is All-Knower, All-Wise.﴾ (Surah Al-Tawbah, 9: 60). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

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The first question of Fatwa No. (18519)

Q 1: i had a wife who helped me from her own money at a time of need, meaning, she gave me 30 Saudi silver Riyals at a time when silver coins were still in use. However, a dispute arose between me and her family which caused me to divorce her having given birth to our daughter. After her `Iddah (woman's prescribed waiting period after divorce or widowhood), she married another person

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and gave birth to his son after which she died. Is the sum of money she gave me out of her free will, that she did not demand from me before her death, considered a debt? Am I liable to give it to her heirs? In fact, I think that she waived it before her death. I considered it as a gift and help as she gave me no sign of it being a debt. However, her heirs are a son, a daughter and a mother. Please, give us a fatwa. May Allah reward you!

A: If your wife gave you the money to help you, you are not liable. If she gave it to you as a debt, you would have to repay it to her heirs as it is one of your liabilities to her which is transferred to her heirs after her death. However, it will be more cautious to repay the money to her heirs in case you doubt whether it was given as a gift or a loan. This is because the Prophet (peace be upon him) said: ﴾Leave what causes you doubt and turn to what does not cause you doubt.﴿ He (peace be upon him) also said: ﴾So he who guards himself against doubtful things keeps his religion and honour blameless...﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fourth question of Fatwa No. (2618)

Q 4: what is the ruling on giving a part of the meat of Udhiah (sacrificial animal offered by non-pilgrims) to non-Muslims as a gift? Some scholars view that it is permissible. In our country, we live side by side with non-Muslims in the same quarter. Actually, we do not know what is the ruling on giving them part of the Udhiah's meat as well as part of our charity.

A: It is permissible for a Muslim to give gifts to his non-Muslim relative or neighbor like food, clothing or the like even if it is a part of the Udhiah. Doing so is charity if they are poor, keeping ties of relationship, fulfilling neighborhood duties and bringing people together. Allah (Exalted be He) says: ﴾But if they (both) strive with you to make you join in worship with Me others that of which you have no knowledge, then obey them not; but behave with them in the world kindly, and follow the path of him who turns to Me in repentance and in obedience.﴿ He also said: ﴾Allâh does not forbid you to deal justly and kindly with those who fought not against you on account of religion nor drove you out of your homes. Verily, Allâh loves those who deal with equity.﴿ It is authentically reported that the Prophet (peace be upon him) ordered Asma' bint Abu Bakr (may Allah be pleased with them all) to treat her mother kindly who was an unbeliever at that time. Moreover, `Umar ibn Al-Khattab (may Allah be pleased

with him) gave a garment as a gift to his unbelieving relative. Furthermore, there is no Shar`y (Islamic legal) evidence that prohibits doing so. Thus, the basic principle in this regard is permissibility. However, no category of non-Muslims is to be given a share of Zakah (obligatory charity) except Al-Mu'allafati Qulubuhum (those whose hearts are inclined to Islam). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fifth question of Fatwa No. (8316)

Q 5: is it permissible to put donation boxes in usurious banks?

A: It is impermissible to put such boxes in usurious banks as they make use of its revenue in their usurious transactions. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

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Chapter on Wills

(Part No. 16; Page No. 262)

The fourth question of Fatwa No. (2143)

Q 4: i am wealthy - thanks to Allah - and want to write down my will. However, i am afraid that Waqf (endowment) goes to someone who does not deserve it and that after a while, heirs may dispute over it and that it may be spent in unlawful ways. Therefore, i want, guided by Allah, to spend it on charitable causes while i am still alive and thus, not to write down my will.

A: There are many charitable causes and a variety of ways to be a benefactor, any of which you may adopt properly which will cause you be rewarded abundantly by Allah out of His bounty and beneficence. Thus, if you spend your money in advance while still alive on what you consider charitable causes, such as building Masjids (mosques), it will be good and hopefully rewardable In sha'a-Allah (if Allah wills). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (8824)

Q: My father had a severe illness one year before his death which crippled him. He then asked his attendants to bear witness to the will he dictated to them stating that one-fourth of his date-palms should be given in charity. The will was recorded on a document.

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This illness was not my father's last as Allah (Exalted be He) cured him of it. A year later, my father had a car accident that caused his sudden death before he wrote a will. Moreover, the document recording the will was lost but the witnesses are still alive. Is it obligatory to enforce our father's will?

A: If your father's will is authenticated according to Shari`ah (Islamic law) and it is not proven that he revoked it, it will be obligatory on his heirs to enforce it after paying his debts and before dividing the estate among the heirs. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 18958

Q: What is the Islamic ruling on the will a person makes before death? How should it be formed? What should be included in the will?

A: Anyone who wishes to bequeath a part of their property must write their will as soon as possible before death overtakes them. They must care to register it and have witnesses to it. There are two types of wills:

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First: The Wajib (obligatory) will, which is to point out one's rights and obligations such as a debt, loan, transaction values or deposits as well as rights owed by others to the will-maker. In this case, the will is Wajib in order to secure one's property and absolve oneself from liability. It is also to avoid any dispute that may arise after one's death between heirs and the owners of these rights. The Prophet (peace be upon him) said: ﴾It is not permissible for any Muslim who has something to will to stay for two nights without having their last will and testament written and kept ready with them.﴿ (Related by Al-Bukhari and Muslim; the wording is that of Al-Bukhari, vol. 3, p. 186) **Second:** The Mustahab (commendable) will, which means absolute donation such as bequeathing by will one-third or less, of one's property to a relative other than the heirs or to a charitable work including giving Sadaqah (voluntary charity) to the poor and needy, or in other

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forms of charity such as building Masjids (mosques) and other charitable causes. In this regard, Khalid ibn 'Ubayd Al-Sulamy reported that the Messenger of Allah (peace be upon him) said: ﴾Allah has given you authority over the disposal of one-third of your wealth, at the time of your death, so that you may be able to add to the record of your (good) deeds.﴿ Al-Haythamy said in "Majma' Al-Zawa'id" that the Hadith was reported by Al-Tabarany with Isnad Hasan (good chain of narrators). A similar Hadith was reported by Imam Ahmad on the authority of Abu Al-Darda'. This is also based on the Hadith of Sa'd ibn Abu Waqas reported in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) in which he said: ﴾The Prophet (peace be upon him) came visiting me while I was (sick) in Makkah. ['Amir the sub-narrator said,] and he disliked dying in the land from where he had migrated. He (peace be upon him) said, 'May Allah bestow His Mercy on Ibn 'Afra' (Sa'd ibn Khawlah).' I said, 'O Messenger of Allah! May I will all my property (in charity)?' He (peace be upon him) said, 'No.' I said, 'Then may I will half of it?' He (peace be upon him) said, 'No.' I said, 'One-third?' He (peace be upon him) said, '(Yes), one-third, yet one-third is much. It is better for you to leave your inheritors wealthy than to leave them poor, begging others.'﴿ (The wording of the Hadith is that of Al-Bukhari) In another wording by Al-Bukhari: ﴾I (Sa'd) said, 'I want to will my property, and I have only one daughter. May I will half of my property (to be given in charity).' He (peace be upon him) said, 'Half is much.' I said, 'Then one-third.'

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He (peace be upon him) said, 'One-third, yet even one-third is much.') The narrator added: "So the people started to will one-third of their property and that was permitted to them." May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 17782

Q 2: if i want to bequeath one-third of my property to one of my children while i am still alive, should i bequeath it to them verbally or through the court judge? Should the bequest be for the oldest, the middle, or the youngest child or for a number of them?

A: A Muslim should make their will through a court or a reputable Islamic law student, who should confirm the legitimacy of what is written, for it to be carried out in accordance with Islamic rules. The will should be entrusted to someone they believe to be good and honest, who has the ability to execute it from amongst their sons or daughters. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (674)

Q: My father, Zuwayd ibn Rashid died and left behind some date-palms in the country of Al-Ha'ir and houses in the city of Riyadh bequeathing that Ud-hiyahs (sacrificial animals offered by non-pilgrims) be slaughtered out of their revenue. As I am illiterate and unable to dispose of the estate and as he left no property other than this Waqf (endowment), I hope that Your Eminence assigns a person to examine the documents related to the date-palms and houses left by my father so that I may be guided regarding what to do in this regard.

Below are the documents referred to above:

1- In the Name of Allah the Gracious the Merciful. Here came to me Zuwayd ibn Rashid. Admitting to be mentally and physically healthy, he dedicated as Waqf and to charitable purposes his date-palms located down the defile of Gharabah at the lowest strip of the city of Al-Hayr. He bequeathed six Ud-hiyahs out of the revenue of the date-palms; one on behalf of himself, one on behalf of his father, one on behalf of his mother, one on behalf of his brother Hussayn, one on behalf of Shaykh Muhammad ibn Abdul-Wahhab, and one on behalf of his sisters Sarah and Fatimah making the total of six Ud-hiyahs to be slaughtered permanently out of the revenue of the date-palms. The will above applies to the existing date-palms as well as their production. He also bequeathed two date-palms to his wife Shamma bint Ibrahim Al-Dulayhy consisting of a date-palm of the kind of Saljah assigned for her since the date of planting and a red sprout to the direction of Qiblah assigned for her since I have married `Ula bint Hamad ibn Bakhit.

The revenue of the two date-palms as Ud-hiyahs will be hers permanently. Zuwayd appointed as his deputy over the Ud-hiyahs his son, `Ubayd ibn Zuwayd and after the latter's sons regardless of how low in descending lineage they may be. This is witnessed by Farraj ibn Hussayn, Mardy ibn Thabit and `Abdul-Hady ibn Qurush. Moreover, its writer `Abdul-Rahman ibn `Abdul-`Aziz ibn Shibrin is a witness to the declaration. May peace and blessings be upon our Prophet Muhammad, his family and Companions! Dated 17/11/1373 A.H.

2- In the Name of Allah the Gracious the Merciful. Hasna' bint Fahd ibn Mansur Al Hassan declares that she sold to Zuwayd ibn Rashid a plot of her land located in Zhihrah Manfuhah for 250 Riyals which she fully received. The land is bordered from the west with the land of Mish`an, from the north with Sa`d ibn Majid, from the east with a street and from the south with clover. Thus, the sale is valid and enforceable. Hasna's declaration was witnessed by `Abul-`Aziz ibn Hamad Al-Tuwijry from Al-Qasim and was written and witnessed by `Abdul-Rahman ibn `Abdullah ibn Firyan. May peace and blessings be upon our Prophet Muhammad, his family and Companions! Dated 29/8/1380 A.H.

In the Name of Allah the Gracious the Merciful. Zuwayd declares that after inhabiting the

above-mentioned land as his house, he dedicated it as Waqf which is to be out of a third of his wealth and that an Ud-hiyah should be slaughtered permanently out of its revenue. What remains, after the third, will be possessed after estimating the wealth of his known date-palms in Al-Ha'ir. Two Ud-hiyahs from the revenue of the remainder after the third of the date-palms of Gharabah will be slaughtered permanently: one on behalf of his father, Rashid ibn Zuwayd

and his daughter, Sarah bint Rashid and the other on behalf of Zuwayd's mother, Modi bint Al-Basry and her son, Hussayn ibn Mubarak Al-Bury. If the house or date-palms produce revenue it will be for Zuwayd's children; the female receiving a share equal to that of the males out of love for females only. The deputy should be his son `Abdullah. The hidden date-palm as well as the other two date-palms should be given to those who are fasting during Ramadan. Moreover, the product of the three date-palms should be distributed every Monday and Thursday. Dedicating it as Waqf was witnessed by Nassir ibn Sa`d Jam`an and Ibrahim ibn `Ali Al-Qassumy as well as `Abdul-Rahamn ibn `Abdullah ibn Firyan.

May peace and blessings be upon our Prophet Muhammad, his family and Companions! Dated 15/10/1380 A.H.

3- In the Name of Allah the Gracious the Merciful. Zuwayd ibn Rashid ibn Zuwayd declares that he dedicated as Waqf his house located in Zhihrah Manfuhah south of Riyadh bordered from the west with a street, from the east with the house of Mubarak ibn Fayez, from the south with the house of Hamad ibn `Abdul-Rahman Al-Shuwaydhy and from the north with the house of Hussayn ibn Salih ibn Thabit. It is a Waqf on behalf of his father replacing the Waqf of the house located in the country of Al-Hariq. He states that his father sold his house located in Al-Hariq for 10 Riyals. Since he donated this house to him which is valued at 5,000 Riyals, he made his maternal grandfather, Muhammad ibn Hamad Al-Basry, `Aishah bint Hamad Al Graishah and his grandfather Zuwayd Rashid as partners. They will have out of its revenue two Ud-hiyahs, one on behalf of Muhammad Al-Basry and `Aishah

and the other on behalf of Zuwayd ibn Rashid Al Sa`d and Sa`id Al Mus`ad, which will be permanently slaughtered on their behalf. A third of the house will be used in the will along with that of the house he dedicated as Waqf on behalf of himself in Zihrah. The remainder after the third shall be possessed in the known date-palms in the country of Al-Ha'ir. ﴾Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allâh is All-Hearer, All-Knower.﴿ Witnessed by its writer `Abul-Rahman ibn `Abdullah ibn Firyan.

May peace and blessings be upon our Prophet Muhammad, his family and Companions! Dated 10/8/1381 A.H.

A: **1-** The questioner stated that his father left no wealth but his date-palms located in Al-Ha'ir and the above-mentioned two houses. **2-** The date-palm-related document is dated 17/11/1373 A.H., the one related to the house he dedicated to his father and his partners is dated 15/10/80 A.H. and the third related to the house he dedicated to himself and his partners is dated 10/8/81 A.H. **3-** The first document states that he dedicated as Waqf and to charitable purposes the revenue of his date-palms located in Al-Ha'ir and so on. It also provides that the will above applies to the existing date-plams as well as their production. The second document states that he dedicated as Waqf the house located in

Zhihrah Manfuhah that will be out of the third of his wealth. It also provides that the remainder after the third will be possessed after his wealth out of his known date-palms in Al-Ha'ir is estimated. The

third document states that he dedicated his house located in Zhihrah Manfuhah as Waqf on behalf of his father to replace his Waqf in the house located in the country of Al-Hariq. He made some people his partners in the house. He also said that this house is included in the third of his wealth along with the house he dedicated as Waqf on behalf of himself in Zihrah and that the remainder of the third shall be possessed in his known date-palms in the country of Al-Ha'ir. **4-** The date-palm-related document states that he bequeathed two date-palms for his wife Shamma bint Ibrahim Al-Dulaihy consisting of a date-palm of the kind of Saljah assigned for her since the date of planting and a red sprout to the direction of Qiblah assigned for her since he has married `Ula bint Hamad ibn Bakhit as Ud-hiyahs will be hers permanently. **5-** He assigned out of the revenue an Ud-hiyah on his behalf, another on behalf of his father, a third on behalf of his mother and on behalf of his brother Hassan, a fourth on behalf of Shaykh Muhammad ibn `Abdul-Wahhab and fifth on behalf of his sisters Sarah and Fatimah. He also assigned out of the revenue of the first house an Ud-hiyah to be slaughtered permanently on his behalf and out of the revenue of the second house two Ud-hiyahs one on behalf of his maternal grandfather, Muhammad ibn Hamad Al-Basry and `Aishah bint Muhammad Al Graishah and the other on behalf of Zuwayd ibn Rashid Al Sa`id and Sa`id Al Sa`d. **6-** He also stated that the hidden date-palm as well as the other two date-palms should be given to those who are fasting during Ramadan. Moreover, the product of the three date-palms should be distributed every Monday and Thursday.

7- In the second document, he provided that if the house or date-palms produce revenue it will be for Zuwayd's children the female receiving a share equal to that of two males out of love for females only. **8-** He stated that his deputy is his son `Abdullah, the questioner. **Examining the above-mentioned documents, the Committee replies as follows: 1-** Zuwayd is entitled to bequeath only one-third of the whole estate based on the provisions of clause (3) that only one-third of his date-palms in Al-Ha'ir will be taken and that one-third only of his house located in Manfuhah will be taken and that belonging to the wealth's one-third is also three date-palms for fasting persons. In fact, date-palms may not be dedicated as Waqf but both the writer and the one bequeathing made no distinction in wording between Waqf, bequeath and charitable purposes. Therefore, the difference in wording may not affect the intended meaning. Had he intended Waqf, he would not have said at the end of the document giving mention of Waqf, "The above will". Had it been so, he would not have said that only one-third of the house shall be taken and the remainder after the one-third shall be possessed after his wealth out of his known date-palms in the country of Al-Ha'ir is estimated. Moreover, he would not have said in the third document: One-third of the house will be used in the will along with that of the house he dedicated as Waqf on behalf of himself in Zihrah. The remainder after the one-third shall be possessed in the known date-palms in the country of Al-Ha'ir.

2- Deciding whether one-third should be taken out of the date-palms in Al-Ha'ir or out of the two houses in Riyadh or both of them is up to the great court. The court shall appoint an authority to estimate all his estate and decide what will be taken out of which one-third. **3-** All persons entitled to a share according to his statements will receive their shares out of the revenue of the one-third that is to be defined. If anything else remains, it will be for, as he stated, his descendants the female receiving a share equal to two males. **4-** After the one-third is defined, reforming it will be given

priority over those who are entitled to a share of the one-third. **5-** As for his will of the two date-palms, the Saljah and the red sprout, to his wife Shamma, although they are defined and an Ud-hiyah on her behalf is taken out of their revenue, they shall not be considered among the third and shall remain as such. In case they are to be sold or transferred to another location, the deputy shall consult the court. **6-** The three date-palms that are dedicated to fasting persons are included in the one-third. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa No. (1192)

Q: A man bequeathed one fifth of his property. However, he excluded the house where his family lives to be divided according to the legal inheritance. before his death, he sold the house and bought another one. Later, he sold the newly-bought house and bought a third one and so on. He then died while owning only one house where his family lives. The question is: Is the above-mentioned house included in the fifth and thus, has the same ruling as the first house?

A: If the reality is as you mentioned, the house he owned immediately before his death replaces the house he excluded in his bequest and thus, it is not included in the fifth. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Mani\`	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa No. (2276)

The Committee examined the question submitted by His Eminence Sahykh Sulayman stating:

my uncle Muhammad ibn Sulayman died leaving behind a son and a daughter as his only heirs. In terms of wealth, he left behind his share of two fields of date-palms located in Al-Qarinah at the defile, one of which is called Umm Saqy,

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containing 39 date-palms only, and the other called Al-Naq`ah containing 90 date-palms. His share in Al-Naq`ah includes a plot of arable land. He bequeathed one-third of his wealth appointing me as his executor. His heirs wanted to estimate the third of his wealth and thus, submitted the case to the defile's court at Huraymila'. The court charged an authority with the matter. The authority decided that the third would be in Al-Naq`ah as his share in Umm Saqy is less than one-third and that dividing it will harm both him and the heirs. Consulting the will, we found a previous will differing with the latter in wording while consistent with it in meaning. As the executor, I view that it is better to consider the one-third in Al-Naq`ah on the basis of the same reasons that were mentioned by the authority along with the fact that Al-Naq`ah has better soil and palms and that the date-palms in Al-Naq`ah are young while those of Umm Saqy are old. However, the provisions of the first will are not provided for in the second may be taken out of the one-third. Please, examine the two wills and give us a fatwa regarding which should be enforced, because the judge asked us to request a fatwa on the issue. Therefore, we submitted it to Your Eminence bearing in mind that the one bequeathing only lived for ten years offering one Ud-hiyah (sacrificial animal offered by non-pilgrims) on behalf of himself and another on behalf of his parents.

A: The Committee examined the two attached wills and replied: If the reality is as you mentioned, the second

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will written in 1373 A.H. is to be enforced. The will states that he bequeathed one-third of his wealth as Ud-hiyahs on behalf of himself, on behalf of his parents and on behalf of his son `Abdullah and his brothers permanently. It also provides that the tamarisks in the market and in Qulayb Al-Fauhayd are charities dedicated to Masjid Al-Gharib. Moreover, the one-third should be taken out of Al-Naq`ah's land on account of the reasons mentioned by the authority that his share in Umm Saqy is less than one-third; that dividing it will harm both it and the heirs, Al-Naq`ah has better soil and palms and the date-palms in Al-Naq`ah are young while those of Umm Saqy are old. Moreover, the provisions of the first will are not provided for in the second and may be taken out of the one-third. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3770

Q: My father `Abdul-`Aziz ibn Muhammad ibn Mas`ud Al-Qurashiy died (may Allah be merciful with him) after making an undated will in which he stated that the house located in Hillah Al-Gharib, which he acquired from Muhammad ibn Mutliq, is dedicated as Waqf (endowment). The revenue of this house will be used in offering two Ud-hiyah (sacrificial animal offered by non-pilgrims); one for him and his parents, and the other for his two brothers `Abdullah and Sa`d, the sons of Muhammad Su`ud Al-Qurashiy. However, this will was undated.

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My father also bequeathed that one-third of his property should be dedicated as Waqf in a house and a shop. Their revenue would be used in offering an Ud-hiyah for him, his parents, and his brothers Su`ud and `Abdullah. This will was written in 17/11/1390 AH, and attached are copies of the two wills.

A: After studying the matter and reviewing the two wills, the Committee answered: The will that should be executed is the one written in 17/11/1390 AH, and bequeathing the third of the property as Waqf. The house specified in the undated will should be included among the third of the property. If its value is equivalent to one-third of the property, then all of it is Waqf. If it is less than one-third, then money is to be taken from the inheritance so that the value would reach the one-third dedicated as Waqf. If its value is more than the one-third and the competent inheritors do not object to this, the whole house is to be regarded as equivalent to the third of the property. If they object, then the part of it that is a Waqf is whatever is equivalent to one-third of the property and the rest should be distributed among the inheritors. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19967

Q: All praise be to Allah Alone and peace and blessings of Allah be upon the seal of all the prophets. The Permanent Committee for Scholarly Research and Ifta' have read the letter

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sent by Sulayman ibn Abdullah ibn Mihanna, the head of the great court in Riyadh to the Chairman of the Committee. This letter that bears no. 4699 was sent to the Committee through the General Secretary of the Council of Senior Scholars in 8/8/1418 A.H. This letter contains the question sent by Abdullah ibn Muhammad ibn Jumu`ah the legal guardian for the heirs of his father and the one who is responsible for executing his father's bequest. The questioner says that his father made two bequests and he wants to know which one he should follow. The text of the first bequest:

All praise be to Allah Alone and peace and blessings of Allah be upon the seal of all the prophets.

I am Abdul-Rahman ibn Fahd Al-`Abd Allah the public notary of Riyadh. Muhammad ibn Sulayman ibn Jumu`ah Al-Jumu`ah whose identity card is 2984/671 came to me in 6/19/1385 A.H. while he was legally competent. He testified that there is no deity but Allah, Muhammad is the Messenger of Allah, 'Eisa (Jesus) is the servant and messenger of Allah, His word that He communicated to Maryam and His Spirit, paradise is a fact, hellfire is a fact, the Hour will undoubtedly come, and Allah will resurrect all those who died. He said: "I recommend myself and my offspring to fear Allah and to be obedient to Him and to follow what was brought by the Messenger of Allah (peace be upon him). I recommend them to reconcile between Muslims, to perform Salah (Prayer) and to only die as believers. I bequeath the ground floor of my villa in

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Riyadh, the district of Al-Khalijiyah owned by the title no. 408/2 in 6/18/1404 A.H. that was issued by the notary public of Riyadh to be a residence for my son, Abdul-Rahman ibn Muhammad ibn Sulayman Al-Jumu'ah and his wife, Haya bint Bigad Mirikhan Al-Harbi and those who are in need of residence from my offspring whether males or females. The first floor should be rented. The revenue of this rent should be used in buying two Ud-hiyahs (sacrificial animal offered by non-pilgrims). The first Ud-hiyah should be slaughtered on behalf of my father and my mother, Shayma' bint `Aly Al-Ghufayly. The second Ud-hiyah should be done on my behalf. Moreover, they should also prepare a meal for breaking the fast during the month of Ramadan as much as possible. Then the rest of the revenue from renting this floor can be divided among the heirs. The executor of this bequeath is my son, Sulayman ibn Muhammad ibn Sulayman Al-Jumu`ah. If he dies, the next executor will be `Aly ibn Muhammad ibn Sulayman Al-Jumu`ah. The public notary said that he bequeathed these things according to his own free will. This bequeath was witnessed by Salman ibn `Aly ibn Sulayman Al-Jumu`ah and `Aly ibn Sulayman Al-

Jumu'ah whose identities were registered in this bequeath. The witnesses have signed this document after it was read to them. Therefore, we have registered it on 8/1/1414 A.H. May peace and blessings of Allah be upon our Prophet Muhammad, his family, Companions and those who followed their example until the Day of Judgment.

The second bequest was as follows:

All praise be to Allah Alone and peace and blessings of Allah be upon the seal of all the prophets.

I am Abdul-Rahman ibn Fahd Al-`Abd Allah the public notary of Riyadh. Muhammad ibn Sulayman ibn Jumu`ah Al-Jumu`ah whose identity card is 2984 came to me in 6/19/1385 A.H while he was legally competent. He testified that there is no deity but Allah, Muhammad is the Messenger of Allah, 'Eisa (Jesus) is the servant and messenger of Allah and His word that He communicated to Maryam and His Spirit, paradise is a fact, hellfire is a fact, the Hour will undoubtedly come and that Allah will resurrect all those who died. He said: "I recommend myself and my offspring to fear Allah and to be obedient to Him and to follow what was revealed to the Messenger of Allah (peace be upon him). I recommend them to reconcile between Muslims, to perform Salah (Prayer) and to only die as believers." He also said: "I bequeath one third of my property to be confined to slaughtering one Ud-hiyah on my behalf and on behalf of my father, Sulayman ibn Jumu'ah and my mother, Shayma' bint `Aly Al-Ghufayly. This should be done forever as much as possible. The remaining revenue of this one third should be spent in charitable deeds according to the viewpoint of the executor. The executor of this bequest will be my son, Abdullah ibn Muhammad ibn Sulayman Al-Jumu`ah. After his death, the next executor will be my son Sulayman. The executor should appoint the one who will succeed him in executing the bequest. The executor in this bequest should fear, obey and be mindful of Allah (Exalted be He) in executing this bequest. He should do his best to do all that brings about benefit for the testator." This person bequeathed this willingly in the presence and testimony of `Aly ibn Sulayman ibn Jumu`ah Al-Jumu'ah whose identity card is 43981 issued in Riyadh and

Sulayman ibn `Aly ibn Sulayman Al-Jumu'ah whose identity card is 111044 issued in Riyadh in 2/12/1393 A.H. After reading this document to the witnesses, they signed this document. Therefore, we registered it on 7/2/1417 A.H. May peace and blessings of Allah be upon our Prophet Muhammad and upon his family, Companions and those who followed their example until the Day of Judgment.

A: After studying the question, the Committee replied: "You should follow the last bequest issued by the testator because the most recent bequest abrogates and nullifies the earlier one. It proves that the testator nullified the first bequest for the sake of the second one. Moreover, we can not reconcile the two bequests because he did not determine that the first one should be carried out within one third of his property. Therefore, the executor should work according to the second bequest. He should count one third of the property of the testator and spend its revenue according to the things that were determined by the testator. This third should be counted after paying any obligatory payments like paying debts, performing obligatory Hajj if Hajj was incumbent upon him and he did not perform it, Zakah, a vow, an expatiation and the like.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
Salih Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4025

Q: In 1398 AH my mother-in-law paid me 800 riyals which was much needed at that time. It was her will that I use the money in business and that if she dies, I should give some of the profit away in charity on her behalf. She died in 1401 AH. I still have the money. I asked her to take the money, but she refused and reminded me not to forget to spend some of it in charity on her behalf. I hope Your Eminence will direct me to the right course of action regarding what to do with this money. I would like to add that she left behind heirs and children.

A: If the reality is that she had performed Hajj more than one time and that she had given you the 800 riyals and refused to take it back while asking you to give some of it in charity on her behalf, you may use the money for trading purposes or for any other business that may yield a profit from which you can give charity on her behalf. If you are not able to do this,

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you may continue to give the money in charity until it is finished. If any of her heirs demands his share of this will, the matter should be referred to the court for decision. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 4489

Q 2: a man died in a car accident without bequeathing any of his money to charity or leaving any information about any debts. He did, however, leave a good amount of money to his wife, and young children. Is it permissible to take one-third or a quarter of what he left to give to charity on his behalf without consulting his heirs as he did not bequeath anything? Please advise us and may Allah be merciful to you!

A: If the reality is as you mentioned, it is not permissible to take anything from the money to give in charity on behalf of the deceased, except with their permission, if they are legally competent to dispose of it. It must be taken into consideration that the guardian of the minors does not have the permission to do this. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Chairman
`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

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Fatwa no. 6293

Q: a man married more than one wife, but none of them gave birth to any children. The man was anxious to have children, so he vowed that he would slaughter an adult camel for each child that Allah may grant him. Allah blessed him with fifteen children, nine boys and six girls. To keep his vow, the man slaughtered five adult camels, but he was unable to slaughter the rest. The man died, but before his death, he told people that he had vowed to slaughter the camels for every boy, not girl, that he was granted. He left a small amount of money and now his sons want to keep his vow. Your Eminence, we would like to know what your advice is on this matter. Is it permissible to slaughter the young camels, which are more available in the market nowadays, due to the lack of adult camels? If it is permissible for us to slaughter young camels, how should they be slaughtered and distributed? It should be noted that `Alyan `Aly Al-Mutiry, who made this vow, is now dead and his heirs mention that he only left a modest house. He also did not give one-third of his wealth to charity, because he died suddenly and his last words were not clear. His house was sold for 60,000, but the heirs have not yet been given their shares of the estate. The questioner mentions that adult camels are not sold for slaughter now, but are sold for their milk instead and are very expensive. The seven boys and five girls that he left would like Your Eminence to reply them in writing. May Allah protect you!

A: Firstly, if the reality is as you mentioned, that your father vowed to slaughter some camels and could not slaughter them all, then you, as his children, should slaughter the remaining adult camels

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that he vowed to slaughter from the money raised from the sale of the house. But if that is not enough, then the sons, being eager to keep their father's vow, should slaughter, as many as they can of the other adult camels, because Allah (Exalted be He) says: (So keep your duty to Allâh and fear Him as much as you can) **Secondly:** If your father died without bequeathing one-third of his wealth to charity, you do not have to give one-third of his wealth to charity. It is recommended that you do good for your father after his death, by giving charity in his behalf and supplicating to Allah to have mercy on him and to forgive him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

First question of Fatwa no. 6514

Q 1: a father died without bequeathing a third of his estate to a specific purpose, should we give it out of the inheritance or not?

A: If the reality is exactly as what is mentioned in the question, it is not Wajib (obligatory) on you to give out one third of the estate. However, it will be good if those of legal age amongst the inheritors give Sadaqah (voluntary charity) on your father's behalf out of the estate or any other money.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11485

Q: There are parents who say that some of their children had an accident and that the younger son died while the older one was wounded. In this way, the older son inquired about his younger brother but the parents would not tell him about the latter's death. Then, the older son also died; and left some money but he did not bequeath anything. Is it permissible that we give the money he left for the sake of Allah (Exalted be He) on his behalf or should we give sadaqah (voluntary charity) on his and his younger brother's behalf? Furthermore, is it permissible to perform Hajj (Pilgrimage) on their behalf because they did not perform it?

A: You are not blamed for not telling your elder son about the condition of his younger brother. At the same time, you are permitted to give all the money that your elder son left for the sake of Allah (Exalted be He) provided that all the inheritors are of legal age and they all agree to this. However, if some of the inheritors are not of legal age; you have to retain their portions for them but you may give the rest for the sake of Allah (Exalted be He) on behalf of your elder son. Moreover, you may give Sadaqah on behalf of both of your sons. Regarding Hajj and `Umrah (lesser pilgrimage), you have to pay out of their money for the Hajj of whoever amongst your deceased sons was of age. This should be given priority over the rights of inheritors. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11746

Q: Our father died and bequeathed nothing of the wealth he left behind. He left behind a farm where palm trees are grown. He is not indebted to any person. His pubescent heirs donated a one-third portion of the palm trees and the annex to his farm. They made Waqf (endowment) out of its produce one or two Ud-hiyah (sacrificial animal offered by non-pilgrims) are sacrificed. The remainder of the estate is spent in charitable ways of disposition. Is that donation permissible in the Islamic Shari`ah? Give us your fatwa may Allah reward and protect you!

A: If the heirs are pubescent and the donation is made out of their own will, it will be effected and they will be granted reward on account of it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fourth question of Fatwa no. 18452

Q 4: if a pious man used to give Sadaqah (voluntary charity) to the poor before he died from cancer, is it permissible for his brother to continue giving money as Sadaqah Jariyyah (ongoing charity) on his behalf?

A: If the deceased had written in his will that he wants his money to be spent in Sadaqah,

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his will should be carried out, provided that it does not exceed one third of his money. If he had not written a will, his money is distributed among the heirs according to Shari`ah (Islamic law). If one or more of the heirs give their inheritance as Sadaqah on behalf of the deceased, it is fine and they will be rewarded for it in Shaa' Allah (if Allah wills). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fifth question of Fatwa no. 18083

Q 5: someone passed away without making a will to take one-third out on their behalf. Is it permissible to give one-third of their property to charity on their behalf with the consent of the adult heirs?

A: It is permissible for the adult heirs to make a donation from their share of the inheritance or from their own property to charity on the behalf of their deceased testator, as this would be doing a good deed for the deceased. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 16488

Q 1: when a person passes away and does not leave a will that includes a charity while he is well-to-do; is it permissible for his wife and children to dedicate an on-going charity from his property? It is worth mentioning that some of his children have not yet reached the age of puberty. Is it permissible for them to pay charity on his behalf even if he does not leave a will?

A: It is permissible for the adult heirs to dedicate a charity from their shares of inheritance as Waqf (endowment) or charity for their deceased family member. Minors are not permitted to take anything from their shares until they reach puberty and agree upon this. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19774

Q: Attached to my letter is a copy of the booklet called: this is my Legal Will. People buy this booklet and believe that they have to follow its wording. Some of them buy copies of it and give them as gifts or distribute them for free in the centers of Qur'an memorization so that others may avail of them. We hope that Your Eminence clarifies the ruling on acting upon the exact instructions of this booklet, as well as distributing, and giving it as gifts. May Allah reward you

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with the best.

A: Having read the concerned will, we did not detect any opposition to Shar` (Islamic law). However, wording it in a certain way that shows that its form should be followed by every one and distributing it amongst people give the false impression that it is Mustahab (desirable) for all people to use it. This is not true because the funeral rulings which are mentioned in the booklet in question are stated by books of jurisprudence that every body can refer to without any recommendation or distribution. The foregoing ascertains in this country where Muslims, all praise be to Allah Alone, follow the rulings of the Sunnah (whatever is reported from the Prophet) regarding funerals. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
Salih Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13974

Q: We are two sisters who wish to bequeath one-third of our property in charity which benefits the deceased. Both of us will pay one-third equally. Our mother - May Allah be merciful with her - bequeathed one third of her property in charity which benefit the deceased. Since we are her only daughters, we wish to bequeath one-third of our property too. We want to ask the scholars whether there is any harm

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if each of us bequeaths one third of her property and purchases a building with fixed revenue that is spent on what benefits the deceased. Indeed, we have given one-third of our property which was equal to the one third of our mother - May Allah be merciful with her. We have bought a house with revenue for the benefit of our mother and for our benefit and this is stated in the copy of the will attached to this letter. Later on, we came to know that it is not permissible to give the one third as long as we are still alive because what was given in charity will be part of the inheritance and it is the duty of the heirs and the agent to give one third later (after death). Likewise, the money (of the one third) is still the same without any increase or decrease. Our question now is: Is the one third considered part of the inheritance? Is it obligatory that the inheritors or the agent give one third again after death?

Could you kindly advise us in this regard. May Allah reward you best!

A: The will of the deceased should be executed as it is. As for the one third which you bequeathed from your money, it will be an on-going charity for you which is a valid donation. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16542

Q: Our father died on 25/7/1411 A.H. He bequeathed one-third of his property to be spent in charitable ways of disposition like Hajj and sacrifice of Ud-hiyah (sacrificial animal offered by non-pilgrims). The one-third portion of the real-estates he left behind has been separately allotted. The question is: should the revenues of the one-third portion be calculated from the date of our father's death or from the day it was separately allotted? If it has to be calculated from the date it was separately allotted, which persons are entitled to receive the revenues collected prior to allotment?

revenues of the one-third portion of the property is calculated from the date it is separately allotted. Before allotment, it is treated as a common property. The one third portion has to be calculated on the value of all the estate left by the deceased including the yields. Yields of the one third potion is determined after it is separately allotted. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 21

After studying the requested Fatwa (legal opinion issued by a qualified Muslim scholar) and its attachments, the committee found:

1. The text of the Fatwa request:

my brother died in an accident between two cars on 5/1/1391 A.H. in Riyadh, leaving two sons from his divorced wife

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and two young daughters from his current wife. When he died (may Allah be merciful to him), he was a government employee. His parents are both dead. He left some money and a house, according to a will written on 1/3/1389 A.H. that literally states: "One-third and the house shall be made as a Waqf (endowment) for me from it (the estate), and the remainder of investing it should be given to people who are needy and aggrieved." The testator had never suffered from any insanity or any mental disturbance, and I do not think that he intended to deprive his heirs from their rights. I hope that you will guide me regarding the following:

a. Does he have a share in his retirement pension?

b. Does his one-third, that he mentioned in his will, include one-third of the wealth he left as well as the house or should the house be sold and his assets liquidated then the one-third be taken from the total of his wealth? Bear in mind that the money that he left is not two-thirds; the house is worth more than one-third.

c. Is he entitled a share of the Diyah (blood money)? Is it permissible for me to give up this share, if he does have one?

2. A will confirming what the questioner mentioned in reference to the testator.

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A document issued from the Court of Riyadh, no. 4/477, dated 20/6/1391 A.H., stamped with the stamp of His Eminence Shaykh 'Abdul-Rahman ibn Huwaymil, confirming the validity of the will.

A: After studying these papers, the committee wrote the following: As the bequest is confirmed by the aforementioned document, it verifies that the one-third is one-third of all the possessions. This third includes what he left in terms of money, furniture, and one-third of the house and the Diyah. If the value of the house equals one-third of the property, then the house is the one-third for him, but if the one-third is less, the Wakil (legally accountable person who acts on behalf of another for a specific permissible matter) should see what is best in the interest of the deceased and his heirs. If the one-third is more than the value of the house, the Wakil can dispose of the excess amount according to the welfare of the Waqf. Regarding the retirement issue, you should refer to the Retirement Pension Authority on this matter. It is not permissible for you to give up your brother's one-third share in the Diyah, as this involves loss to him, and a Wakil has no authority to dispose of it or anything similar to it. May Allah grant us success! May peace and blessings be upon our Prophet

Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta’

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

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Fatwa no. 219

Q: Please find attached a copy of my grandfather's will, Naser bin Mulhim, which includes the stipulation that one third of the lands in Khadary and Maktumia is Waqf (endowment) and their harvest is to be distributed as mentioned in the will, in addition to another third of his palm trees, four in number. However, the four palm trees perished in addition to all the other palm trees and nothing left from them. I would like you to read the will and inform us whether the land of the four palm trees and the third of the remaining land of the palm trees are considered as Waqf that take the same ruling as that of palm trees, or they shall be distributed among the heirs.

After the Committee reviewed the question and the attached copy of the will sent by the questioner, it presented the following reply: As for the testator's saying in the will "The third of all my palm trees amount to these four palm trees," it is customary that when referring to palm trees that this includes the palm trees, their land, the well, water channel and the road amidst this land. `Urf (custom) is a legal principle upon which legal rulings are based in the absence of prohibitive Shar`y (Islamically lawful) evidence. As far as we know in this case, there is no Shar`y evidence that prohibits `Urf to settle it. As for the issue of the four palm trees, if they are provided with their share of the well, water channel and the road and are well protected, then this is a good way of averting dispute

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and fulfilling one's duty, taking into consideration that the person who endowed the third of the land and these four palm trees is the owner himself. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 415

Q: a man has four daughters, a wife, and a sister, and he owns two buildings, with shops in the ground floor of one of them. He would like to make Waqfs (endowments) of the two buildings and the shops for his daughters, wife, and sister. He wants a portion of the income from the Waqf to be used to buy dates, coffee, rice, and meat every Thursday night during Ramadan for the people in the Masjid (mosque), and also two sacrificial animals that will be slaughtered on the Day of 'Eid-ul-Adha (the Festival of the Sacrifice). He also wants one-third of his money to be used to build a Masjid. We would like to ask about the way to do this under the Shari'ah (Islamic law).

A: The guidance of the Messenger of Allah (peace be upon him) is that a Muslim can bequeath part of their property to charity, as confirmed in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) on the authority of Sa'd ibn Abu Waqqas (may Allah be pleased with him), who said, ("I said, 'O Messenger of Allah! I am a wealthy man and I only have a daughter to inherit from me. Should I bequeath two-thirds of my property to charity?' He said, 'No.' So I said, 'Should I bequeath half of my property to charity?' He said, 'No.' So I said, 'Should I bequeath one-third of my property to charity?' He said, '(Bequeath) one-third,

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and even one-third is a lot. It is better to leave your heirs well-off than to leave them poor, begging people.'") It is also related on the authority of Mu'adh ibn Jabal (may Allah be pleased with him) who narrated that the Prophet (peace be upon him) said, ("Allah has charitably allowed you one-third of your wealth on your death (to give away in charity on your behalf) to increase your good deeds.") (Related by Al-Daraqutny and reported by Ahmad, Al-Bazzar, and others) These two Hadith show the amount that is lawful for a Muslim to bequeath, and that one-third of the estate is the maximum. The Sunnah (the act following the example of the Prophet) is to bequeath one-third of your property to be given for good deeds and, if any of the heirs are in need, they can benefit from the income from the Waqf; and there is no sin in that. The rest of the property should be divided among the heirs according to the Shari'ah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 3695

Q: a man left a will bequeathing one-third of his money, 15,000 Syrian Lira, to be given to a number of charitable projects. The estimation of the amount was made in 1387 A.H.,

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but the man died in 1400 A.H. At the time of his death, one-third of his wealth was calculated to be around 200,000 Lira. Which amount should be bequeathed?

A: If the reality is as you mentioned, that the one-third of the man's wealth had increased his estimation on the day he made his will, the amount of the one-third that counts is the one calculated on the day he died and not on the day he made his will. Therefore, the amount to be bequeathed will be the 200,000 Lira mentioned in the question, as a will is executed after the testator's death not before it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4562

Q: my father died (may Allah be merciful to him) and he wanted one-third of the estate he left to be given in charity on his behalf. Should I give one-third of the money that he left or one-third of all his property, including his money, sheep, and farm lands?

After calculating the bequeathed one-third, on what should it be spent? When my father died he owed 8,500 Riyals, should I settle his debt before or after giving the one-third in charity? My father made his brother as the executor of the bequeathed one-third of his property, as he was the oldest, but he does not want to take this responsibility.

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Do I have the right to be responsible for it or should I leave it for his older brother to take care of? Is it permissible for me to trade with the bequeathed one-third to increase it? Please answer me.

A: Firstly: After repaying his debt, it is obligatory that you should execute your father's will by giving one-third of his total property to charity, including the money, sheep, and land, and not just one-third of his money. **Secondly:** You should spend the income from the bequeathed property and its profit as your father specified, on charity. If he did not specify anything in particular, the executor can spend it on what they see are the best charitable ways, such as on the poor or on building Masjids (mosques). **Thirdly:** If your paternal uncle agrees to be the executor for the bequeathed one-third of the estate, all praise be to Allah. Otherwise, the local magistrate will be responsible for appointing the best executor from among the deceased's children or others. **Fourthly:** Trading in and investing a bequest can be carried out by the appointed executor, according to the way they see as best to protect and increase it, whether the executor is your late father's brother or another person.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 7742

Q: I have nine children, I thank Allah (Glorified and Exalted be He) for His bounty. The revenues of a building which I own is almost seven hundred thousand riyals per year. After my death, I fear that my children will be separated and thus suffer because of their disunity. Two of them are still underage and need to continue their education. I want to bequeath this building as Waqf (endowment) to all my children on the condition that its revenues will be distributed among them according to the Shari`ah, for I do not want them to separate or to be deceived by anyone. Is this permissible as it entails the benefit for all the heirs? Looking forward to receiving your reply. May Allah grant you success.

A: it is permissible to bequeath one third, or less than that, as

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a suitable property for Waqf. The revenues of this Waqf should be spent on charitable activities such as the maintenance of Masjids (Mosques), Sadaqah (voluntary charity) to poor relatives and others. If any of your children or grandchildren are poor, they may take from this revenue. On the other hand, the rest of your property should be distributed among the heirs, for the Prophet (peace be upon him) ordered Sa`d ibn Abi Waqas to do so. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 11354

Q 1: My mother died leaving behind a small amount of money which she bequeathed to be given as Sadaqah Jariyah (ongoing charity). She, whose mother is still alive, has sons and daughters, some of them are needy and the others are not. I hope Your Honor will advise me on whether I should spend all the money on Sadaqah Jariyah or to spend only part of it on this? Please advise on how I can donate this money in the way that pleases Allah.

A: The lawful bequest must not exceed the maximum limit, namely one third of the estate. This is based on the report related by Al-Bukhari and Muslim in their Two Sahih (authentic) Books of Hadith on the authority of Sa`d ibn Abu Waqas (may Allah be pleased with him) who said: (The Prophet (peace be upon him) visited me during my illness which brought me near death in the year of Farewell Hajj.

I said, 'O Messenger of Allah! I am very ill as you see, and I am a rich man and have no heir except my only daughter. Shall I give all my property in charity?' He (peace be upon him) said, 'No.' I said, 'Shall I give two thirds of my property in charity?' He (peace be upon him) said, 'No.' I said, 'Shall I give one half of it in charity?' He (peace be upon him) said, 'O Sa`d! Give one third (in charity) and even one third is too much. It is better to leave your children rich than to leave them poor, reduced to begging from others.') The amount that exceeds one third should be divided among the heirs, unless they agree to the bequest if they are of legal age and competent. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 450

Q: After a close study of the question and enclosures, it has been found that

1- A will included: Wadha bint Hizam bequeathed the house she bought from Hamadan as Waqf (endowment) for Gaz`an bint Falih and her parents and the daughters of Bint Shu`ayl and her parents in return for the dirhams which Wadha owed to the afore-mentioned people. The will is written by Abdullah ibn Rashid ibn `Asakir on the seventh of Rajab 1374 A.H.

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2- Another will included: This is what Wadha bint Hizam ibn Hathlayn had bequeathed. She bequeathed me one third of her wealth....etc. The will is written by Sa`d bin Hamad on the twenty fifth of Shawwal 1390 A.H. The will is endorsed by grand Shaykh Ibrahim ibn Muhammad ibn Ibrahim on the twenty seventh of Sha`ban 1390 A.H.

3- Sarah bin Adul `Aziz asks whether the house bequeathed by Wadha to Gaz`an and the daughters of Bint Shu`ayl will be from her third part, or not included in the third?

4- As Wadha bint Hizam appointed Sarah as a proxy on her third, would that make her a proxy on the house of Gaz`an and the daughters of Bint Shu`ayl?

A: Since Wadha bint Hizam mentioned that the house she bequeathed to Gaz`an and the daughters of Bint Shu`ayl is gifted in return for the debt Wadha owed to them and that Wadha bequeathed one third of her wealth and appointed Sarah as a proxy, bequeathing the one-third of the wealth is valid as well as having Sarah as her proxy. The house bequeathed to Gaz`an and the daughters of Bint Shu`ayl is not to be included in the one-third of Wadha's wealth as the house is bequeathed to them in return for the debt she owes to them. As for appointing someone to guard the house of Gaz`an and the daughters of Bint Shu`ayl, this is to be referred to the court for decision. Nominating

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Sarah bint Abdul `Aziz as a proxy to the one-third of the wealth does not include the house bequeathed to Gaz'an and the daughters of Bint Shu`ayl. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 17150

Q: I would like to inform you that my father died and left a will. A copy of this will is attached to this letter and it reads as follows: In the presence of Salih ibn Hammad Al-Nasif, Rashid ibn `Abdullah Al-Marzuqah and `Abdullah ibn Sa`ud Al-Marzuqah, Sa`ud ibn Muhammad ibn `Abdullah Al-Marzuqah in full legal capacity has bequeathed the following: It is obligatory upon the one who will be responsible for emptying the villa I owned in Al-Suwaydy to notify the notary or the judge who will undertake the process of emptying, that the ground floor will be Waqf (endowment) and two sacrificial animals will be given out of its revenue;

one for me and my wives and the second for my mother and her son, Rashid. The rent of the upper floor will be paid to settle my debts. The rest should be distributed among my inheritors. May Allah grant us success! I want to authenticate the will of my father Sa`ud ibn Muhammad ibn `Abdullah Al-Marzuqah.

A: If what the deceased bequeathed of the mentioned villa

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equals one third of his property or less after settling his debt, then his will is valid and should be executed as he mentioned. However, if the will is more than one third after setting his debts, it is not valid except if the heirs approve it provided that they are all adults. If some of the heirs are minors, the guardian does not have the right to dispose of the right of minors. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16617

Q: My mother-in-law gave me a sum of 49,000 riyals and asked me not to inform anybody of it. She trusted me this money to pay in charity on her behalf after her death. I would like to inform you that this old lady has no relatives except five married daughters and none of them was living with her at that time. I fear that if I carried out her will, I would do wrong to the daughters, because they are entitled to that money as heirs of their mother. Kindly give me your Fatwa in this regard. May Allah reward you the best. Should I pay

all the money in charity or only some of it, or what should I do? I want to implement the will, but I am afraid that I may deny the daughters their legal share in their mother's money. Bear in mind that the mother did not earn that money from her husband; rather, from the social fund and some benevolent people. Furthermore, after the mother's death, the five daughters found 27,000 riayls and they paid some of it in charity and the other to a Masjid (mosque). I ask Allah, then Your Eminence to kindly give me your Fatwa. May Allah reward you on my behalf and this old woman.

A: The mentioned will is not valid except for a third of the money, and the rest should go to her heirs, unless they permit to pay all the money in charity on her behalf. Therefore, you should inform her heirs about this will. If they approve of the will, do it as written; otherwise you should only pay a third in charity. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 19330

Q 1: a lonely and old woman owns a house and she wants to bequeath it to the sons of her maternal brother, bearing in mind

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that she has paternal brothers. Who are most entitled to this bequest? Please advise, may Allah reward you!

A: It is permissible to bequeath to a non-inheritor up to one-third of one's wealth. If a will specifies more than this portion, the matter should be referred to the competent inheritors because it will be taken from their shares. If they agree, this is all right; if not, it should not be executed. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19743

Q: I am married and I have many sons and daughters and some of them have reached adulthood while others are still young. I only own the house where we live. My wife is ill, and I am afraid that my elder children will dispose of the house after my death, so that their mother and younger siblings do not find a place to live in, given that the elder children do not need that house; they have their own houses and jobs; and their wives might not bear to live with the younger children and their mother. Is it permissible for me to write in my will that this house belongs to all of them after my death, and that it is impermissible for any of them to dispose of it until their mother passes away or after twenty five years?

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How can I guarantee that my elder children will not harm their mother or their younger siblings? Please advise. May Allah reward you.

A: it is impermissible for you to make a will for more than one third of your wealth, or to make a will for one of your heirs, as the Prophet (peace be upon him) said, ﴿One third, yet even one third is too much.﴾ He (peace be upon him) also said, ﴿No bequest must be made to an heir.﴾ However, it is permissible to write a will or make a Waqf (endowment) for those in need among your children to be given according to their needs, as it is conditioned on a general situation. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 19925

Q 2: Is it permissible for me to will the money I own for building a Masjid (mosque) or any other charitable work, given that I have two brothers, and each one of them has a job with a monthly salary not less than 4,000 Riyals.

A: the will is not permissible for more than one-third of the estate. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

Permanent Committee for Scholarly Research and Ifta'

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Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 344

Q: her husband used to treat her well and meet all her needs. She has a house that she wants to dedicate for buying Ud-hiyah (sacrificial animal offered by non-pilgrims) for the poor and other charitable matters. She wants to know if she can dedicate the reward of these matters to her dead husband and his dead parents although the latter used to mistreat her until his death.

A: It is permissible for the questioner to dedicate the reward of this charitable work to her dead husband and his parents. Having been mistreated by his parents does not prevent this, for Allah Almighty urged for forgiveness in general. Allah (Exalted be He) says, ﴾And to forego (and give her the full Mahr) is nearer to At-Taqwa (piety, righteousness).﴿ He (Exalted be He) also says, ﴾but whoever forgives and makes reconciliation, his reward is with Allâh.﴿ May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

The Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 287

Q: someone died and bequeathed one third of his property to be spent in defined channels of spending. He had a certain piece of land that contains some ravines. The mother of prince Majid sold part of these ravines claiming that they are hers. A dispute has arisen about these ravines. We have agreed with her to give us half of the value of these ravines. Should the third of the value of these sold ravines be added to the third of the property or, will it be added to the value of the ravines and be distributed among the heirs? Moreover, the third of the property will be kept for executing the bequest.

A: If it is legally confirmed that the testator bequeathed one third of his property and that these ravines are part of it and the reconciliation was legally valid, one third of the value of the sold ravines should be included in the bequest. Therefore, one third of these ravines, or their value if they are sold, should be dedicated to executing the bequest. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 18900

Q: My father (may Allah be merciful with him) died in a car accident when he was hit by a non-Muslim Indian. The judge decided that a Diyah (blood money) should be paid. However, my father (may Allah be merciful with him)

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bequeathed one third of his money for Sadaqah (voluntary charities) and charitable ways of disposition and we applied this after distributing his inheritance. My question is: is the one third that my father bequeathed before his death to be taken from the Diyah as well or is the Diyah to be distributed among the inheritors so that each of them does whatever they like with it? Please provide me with your beneficial answer. May Allah reward you with the best, safeguard, and protect you.

A: The concerned one third should be taken from the total inheritance of the deceased, meaning, their Diyah along with all their other money. The foregoing should be done after repaying the debts of the deceased person if he was indebted. Accordingly, each of the inheritors who received their portion of inheritance should return one third of it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 885

Praise be to Allah alone. Peace and blessings be upon the one after whom there is no Prophet (Prophet Muhammad).

The Permanent Committee for Scholarly Research and Ifta' has reviewed the query sent to His Honor the Chairman of the Departments of Scholarly Research, Ifta', Da`wah and Guidance from `Abdul-`Aziz ibn `Awad. The query was referred to the Committee by the General Secretariat of the Council of Senior Scholars on 8/10/1394 A.H. with no.

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1479/2. The committee reviewed also the appendix referred with no. 15644/2 and the two copies of the attached two documents.

Having studied the query and the two documents, the committee found that:

1- The will of Muhammad ibn Ibrahim ibn 'Awad states that he bequeathed up to one third of his wealth to be used in covering the cost of an obligatory Hajj and in purchasing an Ud-hiyah (sacrificial animal offered by non-pilgrims) to be offered continuously on his behalf. The will which is made on 23rd of Shawal, 1315 AH is attested to by `Abdul Rahaman ibn `Abdullah ibn Muqhim, `Abdullah ibn Badi`a and the notary public `Abdullah ibn `Aly ibn Muqhim.

2- The document states the following:

In the name of Allah, the most Gracious, the most Merciful,This is for the trustees to know that upon dividing the estate, the inheritors of Muhammad ibn Ibrahim ibn `Awad (his mother, sister and his cousin Muhammad ibn 'Abdul-'Aziz) decided that third of the property dedicated by Muhammad for the said purposes should be defined as a piece of land cultivated with tamarisk trees in Al-Shu'aibah district. The Waqf land whose yields are used in covering the cost of Hajj and in purchasing an Ud-hiyah is shared by the mother and the sister. They did not divide the estate of the father Ibrahim until after Muhammad died. Therefore, the land itself and its trees represent the Waqf devoted by Muhammad to the said purposes.

This document is attested to by Muhammad ibn Salim and the humble servant of Allah the notary public Muhammad ibn 'Abdul-'Aziz Al-Hilaly. May Allah's peace and blessings be upon Prophet Muhammad, his Family and Companions! 8b / 1326 stamped by the notary public.

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In the name of Allah, the most Gracious, the most Merciful,The two said witnesses attested that the inheritors of Muhammad ibn Ibrahim ibn `Awad agreed on defining the said land as the third that is assigned by the said person. Moreover, Muhammad ibn 'Abdul-'Aziz ibn `Awad affirmed and approved this. Hence, the said land which yields are used for the specified purposes assigned by the endower represents the permanent Waqf. This is stated and stamped by the notary public Ibrahim ibn `Abdul-Latif

22/b/1326.

3- The query is as follows:

As shown in the attached copy of the document, Muhammad ibn Ibrahim ibn 'Awad made a will that the third of his property should be used in covering the costs of Hajj and purchasing an Ud-hiyah permanently. After his death, the estate is to be divided among the inheritors; namely his mother, his sister and his cousin. The said land which is located in Al-Shu'aibah represents the share of the will. However, after dividing the estate of Muhammad ibn Ibrahim ibn 'Awad and deducting the third assigned in the will, we discovered that this person is entitled to another inheritance from his great grandfather. we hope that you will help determine whether one-third of the entitlements received from the great grandfather's inheritance should be added to the will, or the third of the estate should be applied only to the property specified at the time of making the will. End of quote.

Having studied the two documents and the query, the Committee replied as follows: If the case is as you have mentioned, the third of any additional property shown to be an entitlement of the inheritance from the Great Grandfather should be included in the will. The testate is entitled to this property until he dies.

Despite the fact that he did not know of the property left as inheritance from the Great Grandfather, the will is still effective. The due third of wealth should include the said land plus the third of the recent property. As for the heirs, they must be given their entitlements prescribed by Shari`ah after deducting the third of this recently discovered property. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 456

Q: a grandfather had two sons. after the death of one of them, he gave a piece of land to one of the sons of the deceased, but after a while he said he gave two thirds of the land to his son and the other third to his grandson (the son of the deceased). Is this permissible?

A: If the heirs permitted this action, there is no harm in carrying out the will. However, if the heirs or some of them oppose the will, they should resort to the Shari'ah (Islamic law) court. On the other hand, the portion of the underage should remain unchanged.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

The first question of Fatwa no. 3340

Q 1: My wife lived with me for thirty five years without begetting children, and she adopted my son from my first wife, who had died, when he was seven months old. In the month of Sha`ban, she asked me to let her visit her cousins. She stayed there for the whole month of Ramadan, and then she performed Sawm (fasting) for six days in Shawwal. She then fell sick and was carried to the hospital where she died. On her death bed, and in her last moments, she made a will to her cousins which included the following:

All her gold bracelets and rings should be given to her brother `Ayid;

Id cards and securities for 5,000 or more should be given to her adopted son Muhammad;

This is in addition to some furniture and clothes at home which I intend to sell in a public auction so that their value is distributed among the heirs. She has only two brothers and two aunts.

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My questions are:

1- Was her will valid and not considered part of the inheritance, or was it invalid because she made it on her death bed?

2- Am I entitled to sell her furniture before the heirs arrive? I want to move to another area, and it might be difficult to move this furniture with me.

3- Who is entitled to inherit? What is each one's share?

A: It is Haram (prohibited) for your wife to adopt your son from your first wife; he is not considered her son. As for her will for her brother, it is invalid, being a will for an heir. It cannot be carried out unless all the heirs approve of it. If they do not, the inheritance should be distributed normally among all the heirs. If any one of them is still a minor, their shares remain in their names. As for the will for her adopted son, it is permissible if not more than one third of her money; whereas the rest should be returned to the inheritance, unless all the heirs approve of this. As for the shares of the heirs, her husband takes half of it, and her brothers take the rest, if they are full brothers or brothers from the same father. If one of them is her full brother and the other is her paternal half brother, the rest of the inheritance goes to the full brother, after repaying the debts due on her if there are any and carrying out her will for her adopted son. There is nothing due to her aunts. It is impermissible for you to sell the furniture

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unless all the heirs approve of this, as they have right to it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 2984

Q: I would like to inform Your Eminence that my brother Adul-Rahman ibn Abdul `Aziz fell ill and was taken to hospital in Riyadh. While at hospital, he asked brother Sulayman ibn Ibrahim ibn Wayil, who is known for his trustworthiness, to allocate one third of his wealth to the construction of a Masjid (mosque) and to give his brother Fahd a hundred thousand riyals of his wealth and another seven thousand riyals for his wife. He left hospital after he had recovered from his illness. Four months later, he was murdered. He left behind a mother, a wife, two paternal half-brothers, one maternal half brother and one paternal half-sister. Kindly enlighten us regarding the validity of his bequest and proper distribution of his inheritance. May Allah reward you best!

A: First: it is not permissible for a person to bequeath more than one-third of his wealth. No bequest must be made to an heir unless the pubescent heirs are content to deduct a portion of their shares for this purpose. This is based on the Hadith in which the Prophet (peace be upon him) is reported to have said: ﴾Allah has appointed for everyone who has a right what is due to him, and no bequest must be made to an heir.﴿ Narrated by Ahmad, Abu Dawud, Al-Tirmidhy Ibn Majah, and Al-Daraqutny. The following addition is found in the narration of Imam Ahmad: ﴾Unless the heirs so wished.﴿

Second: The bequest has to be documented at the Shari`ah courts of law. **Third:** After paying off the deceased's debts and executing his will, the leftover of his wealth has to be divided among the heirs on the basis of sixty equal shares: the mother shall inherit one-sixth of the wealth (ten shares out of the sixty), the wife shall inherit one-fourth of the wealth (fifteen shares out of the sixty), his maternal half brother shall inherit one-sixth (ten shares out of the sixty) and the remaining twenty five shares shall be distributed among his two half-brothers and his half-sister, ten given to the male and five to the female. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The seventh question of Fatwa no. 5175

Q 7: a person had nine children; he provided for the education of some of them until they completed studies, and helped in the marriage expenses of others who reached the age of marriage by building houses for them. He intended to offer equal provision for all his children, but he died before completing the education and marriage of all of them. He bequeathed portion of his wealth for this purpose and the rest of it should be distributed among the nine children according to the Shari`ah (Islamic law). However, it was said that this portion

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should be included in the inheritance rightful to all heirs and that no bequest must be made to an heir. It was, thus, suggested that all the children should waive their shares in this portion of wealth and give it as a gift to those who have not completed their education nor got married yet. Is the father's will invalid? Is it true that no bequest must be made to an heir? Is it permissible for some inheritors to waive their shares in this money? Is it permissible for the recipients of this portion to accept their brothers' gift?

A: If the competent inheritors agree to execute this will related to their shares in this portion, this is all right and it is permissible for the recipients to take it. If not, the matter should be referred to the Shari`ah court. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 10617

Q1: A man has two sons, six daughters and three wives. his elder son died leaving behind sons and daughters. he wants to give his son's share of inheritance to his orphaned grandsons; is it permissible? If it is not permissible to give the grandsons their father's share of inheritance, is it permissible for the grandfather

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to bequeath his grandsons a portion of his money in the same amount of the value of their father's share of inheritance before he died, as if their father outlived their grandfather?

A: It is permissible for the grandfather to bequeath their father's share of inheritance to his grandsons even if their father is alive. He may bequeath it to them during his life. It is permissible for him to bequeath his grandsons some money if they do not inherit. The amount should be around one third of his estate if he does not bequeath anything else of his money to anyone else. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 10799

Q 1: I have a two-floor villa in Riyadh and I would like to bequeath it to my children and my wife. What is the legal Fatwa in this regard? May Allah reward you the best.

A: Heirs are not to be bequeathed as related by the the Five Compilers of Hadith except for Al-Nasa'iy on the authority of Abu Umamah (may Allah be pleased with him) that the Prophet (peace be upon him) said: ("Allah has given each person his rights and no will can be made in favor of an heir.") You are only permitted to endow this villa to the needy heirs and maintain it if necessary.

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May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16122

Q: My father has three sons and five daughters. He also has sheep. My father bequeathed me while he was still alive, that after his death, I should give two of his daughters some sheep before the distribution of his property to all his children. His plea is that both daughters work with him in grazing the sheep. He also said: There should be 5,000 Riyals given in charity including lunch and dinner for the people who bury him and the rest will be distributed to the needy.

A: It is obligatory to settle the deceased's debts at first and then his will should be executed in the charitable ways within the limits of one third or less. The heirs must approve of a bequest that exceeds one third. His will to the daughters is not valid because of the Prophet's saying: (no will for an heir) However, this will would be valid if the inheritors agreed to it. The rest of money will be distributed to the heirs in the legal way after the debts are paid.

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The first question of Fatwa no. 15031

Q 1: someone applied to confirm the bequest of his father in a legal document as it was not registered. This bequest contains a request to give his unmarried sons twenty thousand Riyals of his property in order to support them in their marriage as he did with their brothers and sisters who are already married. We would like to know the following, may Allah protect you:

Is this a legally valid bequest or not? Or is it considered to be a bequest for an heir? What is the ruling if the heirs permit this bequest? May Allah protect you and reward you well! May peace and blessings of Allah be upon you!

A: There is no harm in carrying out the bequest of the testator if the sons for whom the bequest was made were competent to marry before the death of their father. This bequest should be executed from the capital in order to achieve justice among his sons. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 18918

Q: my son died and left a wife and five children. I want to give them their father's share of inheritance along with their four uncles and two aunts in my will. I hope to get your reply if this is permissible or not.

A: It is permissible to bequeath one-third of your property or less to the sons of your dead son, for they are not legal heirs. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1581

Q: A man has eight children. Six of them are obedient to Allah and to him, while the other two whose names are Mansur and Saleh are not. They do not fast or pray and are ungrateful to their parents. The father wants to deprive them of their right of inheritance unless they repent. Please advise regarding the validity of this will.

A: This is not permissible as this will contradicts the objectives of Shari`ah (Islamic law) and Justice which Allah commanded, especially between children. It was narrated by Ahmad and Abu Dawud

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(may Allah be merciful with them) on the authority of Abu Umamah (may Allah be pleased with him) that the Messenger of Allah (peace be upon him) said: (Allah has appointed for everyone who has a right what is due to him, so no bequest must be made to an heir.) It was narrated by Al-Bukhari and Muslim (may Allah be merciful with them) on the authority of Al-Nu`man ibn Bashir (may Allah be pleased with him) that (My father came to the Prophet (peace be upon him) and said: I have granted this slave boy to this son of mine. Then, the Prophet (peace be upon him) asked: Have you given (the like of it) to everyone of your sons? He replied in the negative. Allah's Messenger (peace be upon him) said: take it back.) and in the wording of Muslim the Prophet stated: ("Fear Allah, and be just to your children.') My father took it back. However, if it is proven that they are Kafirs (disbelievers) by abandoning Salah (Prayer) for example after your death, they should not inherit even if you did not bequeath this in your will for the Prophet (peace be upon him) said: ("Neither a Muslim inherits from a disbeliever, nor a disbeliever from a Muslim.") Agreed upon by Al-Bukhari and Muslim). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 9421

Q 1: is it permissible for a Muslim to bequeath his children to donate his corpse to a scientific institute or a university? Is it permissible for a student to dissect a corpse and cut its parts as it is done in Europe?

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A: It is not permissible for him to bequeath that his corpse should be donated to a scientific institute or a university to be dissected. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8047

Q: A woman had a husband and a guardian. During her pregnancy, she experienced severe pains and died along with the unborn child. she had requested from them (the husband and the guardian) that in case of her death, they should cut open her belly and remove the embryo. They carried out her wish and found that it was deformed with a large body and long hair over the shoulders, and then they buried it beside her. This took place five years ago when there was no available transportation to the city where the hospitals were, as they lived atop Talat mountain that is known as Al-Ali bani Malik. Afterwards, they regretted doing this and executing the will of this woman. What should they do in this regard? Advise us, may Allah reward you with good.

A: These people should not have implemented this woman's will even if she requested it. It is an illegal will as it involves maiming; thus, they must

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repent to Allah and seek His forgiveness for what they have done. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8472

Q: I was a bondmaid of the late Sulayman ibn `Ubayd Al-Rashid. he had bequeathed to free me with one-third of his wealth before I gave birth to his baby. The bequest remained without any change after begetting his child while he was still alive. My son was five years old at the time of the death of his father, who died seventeen years ago. The will is still as it is. I hope Your Eminence will clarify the Shari`ah ruling regarding my insistence upon implementing the will in which the deceased stated to free me from one-third of his wealth. Am I not entitled to the will since I became free after his death and after begetting his son? Does a bondmaid have equal right to inherit her master after his death and after becoming a mother to his child, like the rest of his free wives?

A: If the case is as you have mentioned, **then, first,** you have no right to the said will, for the will is not to be implemented save after his death, and you have become free by his death, for you are the mother of his son.

Second: You are not his wife, but a bondmaid who became free after his death, due to becoming the mother of his son. Therefore, you have no right to the inheritance. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

The Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4345

Q: I would like to inform you that I bequeathed one third of my house which is located in Manfuhah in the city of Riyadh. I intended this bequest to be spent on offering Hajj and sacrifices. When I referred to the Real-Estate Development Fund they told me: "Free the house from the bequest so that we can give you a loan." Since the house is old, made of adobes, and improper for dwelling in, I hope from Allah, then from Your Eminence to issue your instructions so that my house is free from the concerned bequest bearing in mind that I, the testator, is still alive. It may also be worthy mentioning that I did not intend an effective Waqf (endowment) by the deed of this bequest. Rather, I intended to apply the bequest after my death.

A: Revocation of the will is permissible because wills only take effect after the death of the testator. Accordingly, it is permissible for you to revoke your bequest regarding the house you mentioned above which is recorded in the attached deed no. 68 in 29/04/1399 A. H. and issued by His Eminence the Judge of

the court of Riyadh Shaykh 'Abdul-Rahman ibn Faris. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13977

Q: I have given my best agricultural land as Waqf (endowment) to my offspring. It is estimated at about 18 Ma`ads (4000 square meters) minus one eighth of Magbal Al-Gihah land. It is a conditional Waqf upon my death; the male shall have the share of two females. I am afraid that my Waqf wrongs my inheritors due to the following reasons:

First, the agricultural lands do not produce crops as usual. It may rain after many years or may not rain most of the time and become barren with no crops and so can not be sold.

Second, most members of my family are women, so I am afraid that men would leave the Waqf and not give anything to the women.

Third, the land which I made as Waqf is from the best piece of land that I own and I am afraid that Allah (Exalted be He) will hold me accountable for this after my death.

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Some knowledge seekers said to me: The Hanbaly scholars are of the opinion that the conditional Waqf which is bound or any other condition in life is not effective until the existence of the condition. They say that what is conditional on death is a legal will which is not effective until death takes place. What is conditional on something in life, is not effective until the condition takes place.

I hope you could submit my question to his Eminence Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz to free my charge before my death. May Allah protect you!

A: It is permissible for you to retract this will. This will be better for you and will be in the best interest of the heirs. There are authentic reports from the Prophet (peace be upon him) that prove so. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5648

Q: one of my uncles died leaving four daughters, a wife and a paternal aunt, then my father died two years after him. Before his death, my uncle bequeathed one third of his estate to me and my brother. I hope Your Honor will issue a Fatwa regarding this will.

A: If the case is as mentioned, your uncle's leaving you and your brother one third of his bequest is valid because you and your brother are not eligible for inheritance after his death as his brother, i.e. your father, was alive after your uncle died. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa No. (1345)

Q 3: a man did not fulfill his wife's rights during his lifetime. Feeling that death is approaching, is it permissible for him to bequeath some cubits of his land to the wife in return for the rights he had taken from her?

A: If he is legally liable, according to Shari`ah (Islamic law), for the rights he has taken from her while he is alive, it would be permissible to bequeath some cubits of his land to the wife in return for

the rights he had taken from her if the amount bequeathed is equal to the right he is liable for. Moreover, this amount is to be taken out of the estate as a whole; not merely out of the one-third. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (17887)

Q: My maternal uncle gave me a sum of money to build a Masjid (mosque). However, he died about two months later. I started obtaining building licenses and maps till I have finished all the procedures in this regard - thanks to Allah. Thereafter, some heirs, three of my uncle's sons, demanded back the sum of money their father had given me and demanded that the Masjid would not be built.

What is the opinion of Your Eminence: Should I give them back the sum of money or complete the Masjid, bearing in mind that they had known about this sum of money before their father died? May Allah reward you well for benefiting us and all Muslims!

A: The sum of money you received from your uncle to build a Masjid, before your uncle died, is to be taken as long as it is less than one-third of the estate. However, if it exceeds one-third, it may not be taken unless the heirs of full age approve that it be taken out of their shares.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

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`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (17184)

Q: I would like to inform you that included in the will of our father is that he (may Allah be merciful with him) donated five hundred thousand Riyals to build a Masjid (mosque) in a suitable place. The question is: Should this amount of money be deducted from the estate to execute his will? Please, bear in mind that the will is in the handwriting of His Eminence Shaykh `Abdullah Ibn `Abdul-Rahman Ibn Jibrin (may Allah safeguard him), a copy of which is attached.

A: The 500,000 Riyals donated by your father to build a Masjid should be deducted from the estate as long as it does not exceed one-third of the total estate - if your father died before it is enforced. However, the amount exceeding one-third may not be deducted unless the heirs of full age approve that it be deducted from their shares. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

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Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 14224

Q 1: I have assumed the guardianship of an orphan whose father is from among those who migrated to Afghanistan. This was done through the office of Islamic Relief Agency in Al-Madinah Al-Munawwarah. I intended to please my Lord through doing so. I would like to continue performing this duty permanently even after my death. This guardianship should go to another orphan if the first one grows older and is no longer called an orphan. Can I bequeath doing so at the present time in order that an amount of money is deducted from my pension as I am a public servant? I would like to know the way of keeping it permanently after my death and how to bequeath that.

A: It is recommended for you to bequeath taking care for an orphan after your death within one third of your property. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1004

Q: i have wills for specific types of spending such as Ud-hiyah (sacrificial animal offered by non-pilgrims), providing food in Ramadan and reading a Juz' (a 30th of the Qur'an) constantly on a daily basis. Since it is now difficult to find someone who would abide by reading a Juz' in the future

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due to the affluence of the means of living and people's preoccupation with worldly affairs, can I spend the money assigned to reading Qur'an on a more useful charitable work?

A: A similar question was given to His Eminence Mufti Shaykh Muhammad ibn Ibrahim (may Allah be merciful with him), so the Committee will suffice with the content of his answer in answering this question. This condition is Bid`ah (innovation in religion), so it is not permissible. The Prophet (peace be upon him) said, ﴿Any condition that is not in the Book of Allah is null even if they were a hundred conditions﴾ He (peace be upon him) also said, ﴿He who innovates things in our affairs for which there is no valid (reason) (commits sin) and these are to be rejected.﴾ He (peace be upon him) also said, ﴿Anyone who does any act for which there is no sanction on our behalf, that is to be rejected.﴾ Based on the invalidity of this condition, the money assigned to reading Qur'an of the yield of one-third takes the ruling of the interrupted Waqf (endowment), and it is to be given to the progeny of the donor, i.e. his closest relatives. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

The Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 1207

Q: I heard some students of religious knowledge in the Makkan Haram (The sacred Mosque in Makkah) saying that it is not permissible to hire someone to teach the Qur'an for the soul of a dead person. This practice is common in my country and in other countries. I hope Your Eminence will issue us a Fatwa based on religious evidence in this regard. Also what should we do if the person wrote in his will that a Qur'an reciter should be hired to teach the Qur'an on his behalf?

A: hiring a person to recite the Qur'an for the deceased in order to carry out his will is a Bid`ah (innovation in religion), so executing it is not permissible according to the statement of the Prophet (peace be upon him): (Whoever performs an action for which there is no sanction from our behalf, is to be rejected.) and his statement (peace be upon him): (Whoever introduces something into this affair of ours that is not of it is to be rejected.) The money which the dead person left for hiring a Qur'an reciter should be spent on charitable causes. It may be spent on poor relatives and fulfilling their needs. It can be spent on Qur'an students and those seeking knowledge who need, and deserve financial assistance. It also can be spent on other charitable projects.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11576

Q: I am married and have no children. I made a will to have land I own bequeathed to my nephew after my death. However, my nephew, his eight children and his wife died in the war between separatists and the government and we do not know who died first. There are still three living children and a full sister to him, but we do not know who should bequeath him as far as his land is concerned and who should raise his children. Is it permissible for me to take the property which I made a will to be bequeathed to him after my death?

A: First, if the matter is as you described, all the deceased person's debts, if any, should be paid, then any legal will, if any, must be implemented. The rest of his money should be distributed to his three children on the basis of Ta`sib (not having a specific allotted share, rather they get what is left after the allotted shares have been distributed), and his full sister shall be prevented from inheriting due to the presence of the deceased's children. **Second,** your bequeath of the land to your nephew is not binding until the death of the testator and as the person, who shall receive it, has passed away, the will is rendered invalid and, therefore, you are free to do with it whatever you like.

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May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 20113

Q: His grandfather, Nasir ibn Muhammad Al-Batily, dedicated one-third of his property as Waqf (endowment). The same will was made by his great-grandfather, Muhammad ibn `Abdullah Al-Batilty. The Waqf was an agricultural land. However, part of one-third of the property was dispossessed. The inquirer asks whether it is permissible for him to build a Masjid (mosque) from the monetary compensation given in return for the dispossessed part, especially that the remaining bequeathed part brings a profit that is enough to execute the wills of both grandfathers, or should this monetary compensation be used for buying a similar agricultural land, as was stated in the will. Attached is a copy of the two wills. I hope your Eminence would explain this matter, may Allah protect you for the sake of Islam and the Muslims! Peace and blessings of Allah be upon you!

A: It is not permissible to use the monetary compensation given in return for dispossessing part of the bequeathed property for building a Masjid. In fact, it should be used for buying an agricultural land that is similar to what was stated in the will, and this matter should be referred to the Shari`ah court. The profit brought from the agricultural land should be spent as stipulated in the will. In addition, the will must be executed as stipulated by the testator, that is, the profit should be used for buying Ud-hiyah (sacrificial animal offered by non-pilgrims)

and whatever represents a lawful way of spending the profit of the Waqf. As for bequeathing to spend the profit of the Waqf on something that is no longer needed, such as lamps, buckets, and the like, and if the monetary compensation given makes the part bequeathed more than one-third of the property, these matters are to be referred to the Shari`ah court, which is the specialized authority. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1817

Q: My brother, Muhammad ibn Ibrahim ibn Muhammad Al-Zuhayry died after drawing up a will which included: bequeathing a piece of land to be dedicated for the construction of a Masjid, and a house for the Imam and another for the Mu'adhin (caller to Prayer). We hope that Allah will guide a benevolent person to undertake the construction of the Masjid and the two houses on the bequeathed land. Allah never denies the reward of the benevolent ones.

Since the testator did not specify the land he bequeathed in meters, I can not determine the total area upon which the Masjid and the two houses are supposed to be built. At the same time, the residents of this area demand that a Masjid that serves the purpose of Al-Masjid Al-Jami` (the large mosque where Jumu`ah [Friday] Prayers are held) be built on this piece of land. I hope Your Eminence will give me a fatwa that the Shari`ah deems as absolving one from this duty and at the same time achieving the public interest and attaining reward.

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After closely studying the question and the enclosed deed which attests to the afore-mentioned will, the committee gave the following answer: The Masjid and the two houses shall be calculated from the one third of the deceased's wealth. If the residents are in need of a Masjid that serves the purpose of Al-Masjid Al-Jami`, the trustee has to entrust two people who have experience, trustworthiness and honesty with the task of allocating an area that serves this purpose. If there is no need to build Al-Masjid Al-Jami`, a normal Masjid may be built on this land. The area over which the two houses will be built is to be determined by the building committee in the way it deems fit. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 2710

Q: First, our father (may Allah be merciful with him) built a Masjid (mosque) a long time ago before his death. He asked his children to maintain, repair and do all the required tasks for the Masjid. He also asked them to prepare the Masjid for performing the five daily Salahs (Prayer). We decided, due to the antiquity of the Masjid and the large number of people who currently pray there, to pull it down in order to expand and rebuild it according to a modern style.

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We decided that in order to increase the area of this Masjid, to build a basement that contains shops in the opposite direction to the main road. On the other side, we will build a residence for the Imam and the Mu'adhin (caller to Prayer) and the minaret. In the northern area, we will build places for making Wudu' (ablution) and a water tank. The Masjid will be above the ground floor meaning above these shops and residences. The area will be vast because of the aspects of the building. The Masjid will be away from the noise of the surrounding streets. Ascension to the Masjid will be very easy because of comfortable and small steps. There will be no more than ten steps due to the lowness of the surface. Doing so will bring about two benefits:

First, adding more area to the actual seize of the Masjid can be achieved through using the roofs of these shops as they are equal in height to the floor of the Masjid, and also by adding to the Masjid the areas of the balconies.

Second, having constant and permanent revenue that can be used in maintaining and repairing the Masjid in the future. This revenue will also help in providing the Masjid with an Imam, a Mu'adhin (caller to Prayer) and a guard and everything that is required for the benefit of the Masjid. This revenue will guarantee taking care for the Masjid generation after generation without neglecting it.

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All these things will be for the Sake of Allah (Exalted be He) whom we ask to provide us with more support and success.

We would like your Eminence and the members of your honorable Committee to give us a Fatwa concerning building such a Masjid according to the aforementioned method.

A: It is permissible to pull down the Masjid and rebuild it according to the way you mentioned. Doing so will bring the Masjid many benefits such as having a residence for the Imam and the Mu'adhin, having places for making Wudu' for those who came to perform Salah at this Masjid, expanding it so that it will accommodate more worshippers, saving revenue for maintaining and repairing it and giving salaries for the Imam, the Mu'adhin and all those working in it. It is confirmed to the Committe that doing so will be beneficial for the Masjid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 11288

Q 2: On his death, my father bequeathed that we should build a Masjid (mosque) on his behalf, hoping that it will draw him closer to Allah (Exalted be He) and that it will be recorded among his good deeds.

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However, some problems occurred within the family that hindered us from building the Masjid at the time. Now, more than 10 years after the death of my father (may Allah be merciful to him), there are many Masjids around us, in fact in the whole area where my father wanted to build his Masjid. Our house is located on the main road in Biljirshy and within one kilometer, there are 6 Masjids. As a result, only a very few people perform Salah (Prayer) in each Masjid, and at times it is only the Mu'adhin (caller to Prayer), the Imam (the one who leads congregational Prayer), and one or two other people who are praying. This is with the exception of the main Masjid, where there is approximately one row of worshippers in each Salah, other than the Jumu'ah (Friday) Prayer. My older brother still has the money for the Masjid since our father's death, but nothing has happened. is it permissible for us to build the Masjid in another place or contribute to building another Masjid, even if it is outside Saudi Arabia, such as in Afghanistan or any other Muslim country? Please advise us and may Allah reward you with the best!

A: If the place that your father specified for the Masjid to be built is not in need of a Masjid at the present time, build it in another place that needs one in the same country. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 2375

Q 1: When my mother died (may Allah be merciful to her), she bequeathed one-third of her property to be dedicated as a Waqf (endowment), entrusted equally to me and my youngest brother. However, this one-third of her property is in the form of cattle, and as my brother and I both have jobs, the cattle have been left under the care of my father, who is a Bedouin. I also have other younger maternal and paternal half-brothers, but they do not have the authority to dispose of this bequest. It is important to note that my father gives Sadaqah (voluntary charity) from these cattle and I do not want to sell them through fear of ending the Waqf. What is your opinion on this matter? Please advise us and may Allah reward you with the best!

A: What your father has done by giving the Sadaqah from the one-third of the bequest is correct and he did right. As for selling the bequeathed cattle, it is permissible for you to consider what is best to be done. If selling them is the best, sell them and buy a building, store, or date-palm trees with the paid amount, for that to be your mother's Waqf whose income is to be spent in the way she specified in her will. But, if it is better to keep the cattle with your father, then it is not lawful for you to sell them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 6769

Q: My father's will provides for a sacrifice to be slaughtered as well as Iftar (breaking the Fast) in the Masjid (mosque). The revenues of the Waqf (endowment) exceed the money in the will by about 350,000 riyals. What should we do with the extra money? Should we build a Masjid or distribute the money among the inheritors or what should we do? Kindly give us your Fatwa.

A: The rest of the money should be used to buy food and distribute it among the poor in Ramadan, and this should be after slaughtering the two sacrifices and providing the necessary restoration of the house as stated in the testator's will (may Allah be merciful with him). May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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Fatwa no. 7693

Q: While my mother was sick and my maternal uncle and myself were staying with her, she entrusted us to perform Hajj on behalf of her father. It may be worth mentioning that my maternal uncle is not my mother's brother. Rather, he is her cousin. However, my mother died so I called my uncle and mentioned my mother's will. My uncle replied that he did not hear it. Any way, I performed Hajj on behalf of my maternal grandfather and paid for it out of my mother's money and my own money which was originally earned by my father. Nevertheless,

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I do not know whether I implemented my mother's will or not bearing in mind that my mother had performed her Hajj and I had performed my Hajj before performing it on behalf of my maternal grandfather. On the other hand, my uncle mentioned above came afterwards to me and asked to pay half of the costs of Hajj (that I performed on behalf of my maternal grandfather). I refused and told him that I was the only person who had to bear the costs of the implementation of the will of my mother. Please provide me with your beneficial opinion in this regard. Shall I let my uncle share the costs of the concerned Hajj or is it sufficient that I have paid for that Hajj from my mother's and my own money because my maternal grandfather is the paternal uncle of my uncle?

A: If the reality is exactly as you have mentioned, the Hajj that you performed for your maternal grandfather is sufficient for the implementation of her will. On the other hand, it is Wajib (obligatory) not to divide the costs of the concerned Hajj between you and your uncle. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 9032

Q: A man died and left behind two sons and five daughters. he bequeathed his executor (his elder son) to donate one-third of his property as an on-going charity; is it permissible or not? Some of the inheritors say that this is a plot to deprive the girls from taking their right. How should he spend the one third and is the will valid?

Could you kindly advise us in this regard. May Allah reward you best!

A: It is permissible for a person to bequeath one-third of his property before death as charity.

It is reported on the authority of Sa`d ibn Abu Waqqas (may Allah be pleased with him) that he said to the prophet (peace be upon him): (Shall I give all my money as sadaqah (charity)? He (peace be upon him) said: No. Sa`d said: Half? He (peace be upon him) said: No. Sa`d said: A third? He (peace be upon him) said: A third, and a third is a lot.) Agreed upon by Al-Bukhari and Muslim. The executor (the elder son) is the supervisor over the bequest and he will spend its revenue according to the will of the testator as charity on behalf of the deceased. If he bequeaths one third to the elder son, it will not be permissible because of the Prophet's saying: (No bequest must be made to an heir) Then, all the money should be given back to the heirs to be distributed according to the legal way of inheritance except if the inheritors approve this will if they are adults. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 5107

Q 1: My father died (may Allah have mercy on him) having bequeathed one third of his money to be spent on providing a dinner meal during Ramadan and an Ud-hiyah (sacrificial animal offered by non-pilgrims); therefore, I intend to use a small house whose income would be used in executing the will, except that I am afraid that this process will cease after my death. The house may collapse becoming useless as there is no one to reconstruct it. Is there any harm in replacing this house with a Masjid (mosque) as its reward will continue beyond that of the house and is less apt to be damaged?

Furthermore, it is becoming difficult these days to find one who is in need for this dinner meal, but for the Ud-hiyah, I will continue fulfilling it as long as I live.

A: the Shari`ah-based ruler has the authority to guide the trustee as to how he may dispose of the third either by sale or replacement. You should refer to the judge of the town where the will is filed and submit this issue to him for consideration in accordance with the Shari`ah (Islamic law). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions

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Fatwa no. 8888

Q: An old woman entrusted her daughter to perform Hajj (Pilgrimage) on her behalf then she died. The daughter did not do so though she lived for long after the death of her mother. However, that daughter became old; she entrusted her son to perform the Hajj on behalf of his grandmother. Then the concerned daughter died. Afterwards, the entrusted person became old without performing Hajj on behalf of his grandmother. Before he died, he had entrusted his son to perform Hajj on behalf of the latter's great grandmother. This last entrusted person is still alive and he has not performed the ordered Hajj yet. To be to the point, the name of the first entrusting old lady is not known bearing in mind that the name of her daughter, the first entrusted person, is

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Maqbulah bint Muhammad. I asked the elders of the town but they did not know the name of the concerned old lady. I hope that you tell me how can Hajj be made on behalf of the concerned old lady by the current entrusted person? Does he have to perform Hajj on her behalf according to her intention though he does not know her name or he has to give Sadaqah (voluntary charity) on her behalf, or Hajj is no longer obligatory on her?

A: In case that reality is exactly as that which is mentioned in the question, the last living entrusted person has to execute the old lady's will and perform Hajj on her behalf before he dies, just like all those who were mentioned in the question. However, he should do so intending Hajj on behalf of his concerned great grandmother though he does not know her name. Thus he should say when entering the state of Ihram (ritual state for Hajj and `Umrah) from the Miqat (sites for entering the ritual state for Hajj and `Umrah): "I intend to perform Hajj on behalf of the first entrusting person which is my great grandmother; the mother of my paternal grand mother". On the other hand, Sadaqah is not a sufficient substitute for performing Hajj on her behalf. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 14972

Q: I had a sister that was called Shar`a' Bint `Ajab, she died about 13 years ago. Since I was present at her death, she bequeathed me to make a public fountain and plant a palm tree for her from her money. After she died, the legacy was divided into three parts: two parts

for the heirs and the third one remained with me, and since then, I have been developing her bequest, and making a lot of charity works for her, such as providing drinking water for people, buying dried dates from the palms and giving them away to the poor, donating five hundred, one or two thousands of her money to contribute in establishing any newly constructed Masjid (mosque) in the neighborhood, besides buying water motors and taps and putting them at the places of watering, so that people can benefit from them, and now, I still have around twenty thousands left of the bequest. I have asked some shaykhs about this, and they have told me to fulfill her bequest by making a public fountain and planting a palm tree. I hope that you would advise me on what I have done, and what to do regarding the bequest, as I am the one in charge with it. May Allah reward you with good.

A: the administrator of the bequest should execute the will of the legator, which is to make a public fountain and to plant a palm tree, as long as it embraces a clear benefit for people living in the town. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19817

Q: My father, Ibrahim Ibn Sa` Al-Zir, died a few years ago, leaving behind four sons, three daughters and a wife. He has a house in the town of Zamiqa in Dalam, and the house is nearby the Al-Masjid Al-Jami` (the large mosque where Jumu`ah [Friday] Prayers are held) in Zamiqah. We, inheritors, gave up the house for the expansion of the Masjid and distributed the adjacent farm among the heirs. My father (may Allah be merciful with him) bequeathed one-third of his money to be used in building a Masjid and assigned one of the heirs, Salih bin Ibrahim Al-Zir, the task of that money. On my part as the legal representative of the family in any arising dispute and in charge of the ownership deed of the farm, I asked my brother to put the will into force by building a Masjid and giving me a legal document in the name of my father, Ibrahim bin Salih Al-Zir, indicating the value of the one-third, 300,000 riyals. However, my brother Salih said he would restore many Masjids and build new small ones. All we want is to fulfill the heirs' duty in this matter and execute the bequest, so that they are not considered sinful because of the delay on the part of my brother Salih.

Is our conduct correct, or as Salih said, it is enough to repair some Masjids. Kindly give us your Fatwa in this regard.

A: The person who is in charge of executing a bequest should fear Allah (Glorified and Exalted be He) and put it into force as defined by the testator, for he is

entrusted with this bequest. Therefore, if your father bequeathed one-third of his money for building a Masjid, then this should be as defined by the testator, and the money should not in any way whatsoever be allotted to restoring some Masjids or building small ones, because this is contradictory to the will of the testator. Furthermore, the person in charge of executing the bequest should observe the interest (of people) in building the Masjid, i.e. to build it in a suitable place to achieve the purpose of its establishment. It should be in an area where its residents are in a dire need of it, and that should fulfill the heirs' duty in the right way. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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Fatwa no. 19931

Q: I am a widow. My husband passed away leaving me with five children, aged 3, 9, 11, 13, and 15; he also left us a house, and a monthly pension. My father has now been appointed as the children's guardian. Some people tell me that I should keep a record of the money I spend

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on myself, the children, and the house. They even tell me it is not permissible to use the monthly pension or the money my family and relatives give me to go for Hajj - the obligatory Hajj. During one of the summer vacations, I took my children to visit some relatives (my uncles) in the UAE. However, the people told me that it was not permissible for me to do that, in terms of spending the money. My question now is: Are they all correct in what they are saying? what are the legal limits and conditions on spending the monthly pension and the money I am given?

Should I pay Zakah on it? Is it permissible for me to give Sadaqah (voluntary charity) from this money or buy luxury goods, such as antiques, landscape art, or buy new furniture for the house, etc? Please advise me.

A: Firstly: The monthly pension mentioned above should be divided between you and your children, according to the pension plan. **Secondly:** It is obligatory on a guardian to protect the money belonging to the children in their charge. They should provide them with food, clothing, and whatever else they need. Also, a guardian should invest the children's money until they reach the age of consent. It is not permissible for them to spend it, unless it is likely to be to their benefit. **Thirdly:** Zakah should be paid on the money saved for the children whenever a lunar year passes. The percentage to be paid as Zakah is 2.5 % of the total.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1534

Q: My father fell ill in 1391 A.H. On the 29th. of Dhul-Qi`dah of this year, he bequeathed one-third of his property as Waqf (endowment). Thinking that this was a fatal illness, he put the Waqf at my disposal. Allah's Will made him live for four more years after he recovered from this illness. Allah (Exalted be He) caused him to die in 1395 A.H. After writing the bequest and putting the one-third at my disposal, my father got better and we thought that the bequest was cancelled. When we searched for it, we did not find it even after a long search. Therefore, we neglected the matter as long as the testator was alive but Allah (Exalted be He) decreed that he died on 5 / 1 / 1392 A.H. after he had been sick and did not leave behind a bequest. He left 32,148 Riyals which was distributed to the inheritors; two wives, two daughters and four sons. After each of the inheritors took his share of the inheritance, we found the bequest which was written in 1391A.H. in

10/8/1396 A.H. during his first sickness in which he bequeathed that one-third of his property would be at my disposal as I am his elder son. Now we are very confused. The money has been distributed and we do not know what we should do because we fear that there will be sin on us. All the inheritors are pious and would like to correct things. Could you kindly advise.

A: If the matter is as mentioned, one-third of the money of inheritance should be recovered from the heirs that will be 10,716 Riyals; each will pay one-third of his share in order to collect one-third of the deceased's money which will be placed in the hands of his legal agent to execute his bequest according to Shari`ah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no 3593

Q: i have a sum of money which is approximately 900 Riyals. it is the price of sheep that was assigned as a Waqf (endowment) for `Ali ibn Muhammad Mufrih to be an ongoing charity for him. He assigned it before death and bequeathed his share of inheritance for his father as a Waqf.

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His share of inheritance consisted of sheep only. The mentioned sum of money remains with me. I need your Fatwa on this regard.

A: If the case is as mentioned and the money he bequeathed is one third of his estate or less, a guardian should be appointed to buy a share in real estate or other similar fixed asset, if feasible. Otherwise, it should be given to a person to invest it in return for part of the profits. If this is not possible, it can be spent on charitable works such as distributing it to the poor and building Masjids (mosques) and the like. All this should be done by the guardian and through counsel from His Honor, the judge of that area. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second and third question of Fatwa no. 20658

Q 2: Some of our relatives bequeathed sums of money to be paid for sacrificing Ud-hiyah (sacrificial animal offered by non-pilgrims). Sometimes the money offered as bequests is insufficient to buy Ud-hiyah in addition to the fact that Makkah is a place where multitudes of Ud-hiyah and Hady (sacrificial animal offered by pilgrims) are offered. Moreover, it is difficult to go to the place where sacrificial animals are sold,

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slaughtered and distributed. Is it permissible if we pay the money they bequeath for Ud-hiyah as Sadaqah (voluntary charity) on behalf of them as it would be of more benefit to them than to offer Ud-hiyah on `Eid-ul-Adha (the Festival of the Sacrifice)? We only seek for them and us to attain the reward of Allah (Exalted be He).

A: the guardian should carry out the will just as the deceased had declared it unless it contains a violation of a Shar`i text. It is valid if a person draws up a will in which he declares that Ud-hiyah (sacrificial animal offered by non-pilgrims) be offered on his behalf. Slaughtering Ud-hiyah is one of the greatest acts of worship which is offered to Allah (Exalted be He). Thus, you are duty bound to execute the will. In case the money paid annually happens to be short of meeting the price of Ud-hiyah, you have to collect the money of two or more years to be paid to buy one Ud-hiyah as you can not offer more than this. Allah (Exalted be He) says: ﴾So keep your duty to Allâh and fear Him as much as you can﴿ The Prophet (peace be upon him) said: ﴾When I command you to do anything, do of it as much as you possibly can.﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second and third question of Fatwa no. 20658

Q 3: Our grandfather bequeathed two thousand riyals to be paid annually for the performance of Hajj on his behalf. The problem is that only few people accept to perform Hajj. Some ask for more money to perform Hajj, while others may be satisfied with this sum, yet they do not perform the rites of Hajj in the manner the prophet (peace be upon him) had performed it. I face the same difficulty every year.

(Part No. 16; Page No. 357)

Shaykh `Aly `Amir (may Allah be merciful with him) used to help us in this regard. Now I do not find anyone to help me. Shall I spend the money in charity on his behalf instead of looking for someone to perform Hajj for him?

A: If you do not find someone to perform Hajj on behalf of your grandfather due to the fact that the money offered for Hajj is little, you should collect the money which has to be paid for two or more years and give it to someone who will perform Hajj on his behalf. Based on the proofs mentioned in the preceding question, it is not necessary to perform Hajj on his behalf annually. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (4117)

Q: I am Zayd ibn Rashid ibn Khurayf. My father Rashid died 26 years ago. Before his death, he had bequeathed that I buy a 60-riyal Ud-hiyah (sacrificial animal offered by non-pilgrims) on an annual basis, and that such a sum of money be taken out of his real-estate located in Al-Hulwah in the district of Al-Gharis. The currency of that time was the Arabic silver riyal. My question is: Shall I take on annual basis sixty banknote riyals, sixty silver riyals or their value in currently used banknotes out of such real-estate to buy an Ud-hiyah therewith?

(Part No. 16; Page No. 358)

A: If the reality is as you mentioned, you shall take out of the real-estate the value of sixty silver riyals in current banknote Saudi riyals on annual basis to buy an Ud-hiyah therewith. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (3470)

Q: my father died leaving a number of sons and no estate at all. He bequeathed that all his sons without exception perform Hajj and offer Ud-hiyah (sacrificial animal offered by non-pilgrims) on his behalf. Is it obligatory to execute such a will or it is just an aspect of dutifulness to him and thus each may do them when possible? My mother died and I cannot recall her will. However, before falling ill, she would always ask her children to do the following: perform Hajj on her behalf and offer Ud-hiyah on her behalf. Actually, she left behind no estate. Please, inform us whether it is obligatory to enforce such things or they are merely aspects of showing dutifulness to the mother to be observed, each according to his ability?

A: It is recommendable that you perform Hajj on behalf of your mother when possible and to perform `Umrah (lesser pilgrimage) on behalf of both parents. However, both acts are not obligatory. Rather,

they are aspects of good methods through which you show dutifulness and gratitude to your parents. Likewise, offering Ud-hiyah on their behalf is not obligatory on you; rather, it is an aspect of charity and dutifulness you show toward them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa No. (11469)

Q 1: what is the ruling on my sister's bequest that I should perform Hajj on her behalf? Is it obligatory on me to perform Hajj on her behalf before performing Hajj on behalf of my mother and then on behalf of my father - if Allah wills that I do so? Or, should the bequest be enforced by my sister's son who now lives in the Kingdom? I mean that each of us should perform Hajj on behalf of his mother.

A: Having performed Hajj on behalf of oneself, a person may perform Hajj on behalf of their mother and then on behalf of their father. As for your sister, it is her son who is to perform Hajj on her behalf. However, you may, if you so wish, perform Hajj on her behalf if her son refuses to do so. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fourth question of Fatwa no. 3301

Q 4: i was entrusted with one third of an estate of a dead person. This property was all sheep. As time passed, the sheep died and i slaughtered some of them. What should i do in this case?

A: If the situation is as you mentioned, and the sheep did not die because of your negligence in taking care of them, you have only to pay the value of the ones you slaughtered without a reason. If you are responsible for their death due to your negligence, you should pay their price fully. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Chairman
`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5418

Q: Please advise us concerning my father's will. There is a copy attached. is it permissible to buy an Ud-hiyah (sacrificial animal offered by non-pilgrims) instead of paying one third of the estate to charity? is it permissible to make this one third (Waqf) and buy an Ud-hiyah from it every year until the money is consumed? is it permissible to dedicate this Waqf for charitable purposes such as building or furnishing Masjids (mosques), and at the same time buy the Ud-hiyah? Please advise.

(Part No. 16; Page No. 361)

A: The Ud-hiyah does not substitute paying one third of the estate to charity; this third should be invested as much as possible, an Ud-hiyah bought from it every year, and the remaining part should be spent in forms of charity, such as contributing to constructing, repairing or furnishing a Masjid. If you can buy a building and spend its profit on the Ud-hiyah and the rest in different forms of charity, it will be better. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 6437

Q: I would like to inform your Eminence that my deceased father (may Allah be merciful with him) bequeathed one-third of his property as Waqf (endowment), whose profit is to be used for buying an Ud-hiyah (sacrificial animal offered by non-pilgrims) for him, his parents, wife, brothers, and sisters. I am responsible to carry out this will. However, my father's property consisted of one building, which we sold. After settling the inheritance, 86,666 riyals represented one-third of the property. I offered an Ud-hiyah from this sum of money for three years and now there are only 83,366 riyals left. The heirs cannot increase this sum of money from their own pockets and buy a building, because of their bad financial conditions. I provide for my widowed mother and sister and my financial condition is also bad

that I cannot afford to add to this sum of money. Please advise about the Shar`y (Islamically lawful) opinion on the remaining sum of money!

A: If the reality is as you have mentioned, there is no harm in leaving the sum of money as it is. You can buy a building in another place, whose value is equivalent to this sum of money, even if it is a small building, such as a shop or the like. Another option is to enter as partners with this sum of money in a building and use its revenue to buy the Ud-hiyah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 525

Q: Four years ago, Nasrah bint Ibrahim Abu Salih passed away in Riyadh. She used to live in Jalajil. She left behind two daughters, a half-sister, and two nephews. four years after her death, one of her daughters went to her house in Jalajil, where she found 1,010 Riyals in a box. We do not know whether the money was at her house when she died or it was a trust which someone had recently returned. Is Zakah due on this money? Does her half-sister or her nephews inherit from her? I was made a trustee for one third of her estate,

should we slaughter Ud-hiyah (sacrificial animal) from this one third? It should be taken into consideration that the one-third does not exceed 300 Riyals. Please advise.

A: Firstly: The property should be divided as follows: Two thirds for her two daughters, the rest for her half-sister, and nothing for her nephews. This should be done after repaying any debt and carrying out her will. **Secondly:** Zakah is due on the money which the daughter found in her mother's house. The daughters and the half-sister should pay Zakah on the four years after the mother's death whether the money was at her house when she died, or if it was a trust someone returned. **Thirdly:** The three hundred Riyals (i.e. one third) should be invested with a trader on a profit-sharing basis. The Ud-hiyah (sacrificial animal) is to be offered from this profit and by this it will continue to be slaughtered from the profit, instead of slaughtering from the third of the estate which would run out. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1510

Q: My father died and left behind seven sons, five daughters and two wives. He bequeathed one-third of his money and made his eldest son an executor of this will. The elder brother also became the guardian of all the heirs except two of his brothers. One of these two brothers authorized the other to supervise his right in inheritance, payment of debts and alienating rights:

A- is the eldest brother permitted to act freely concerning the deceased's property in terms of alienation and sale without the presence of the other two brothers who did not authorize him to be the representative of most of the inheritors? When one of the heirs objects to the agent regarding the execution of the will considering that one-third is too much and may harm the rest of the inheritors and ask him only to give one-fifth or one-sixth. Can their objection be accepted?

B- If the eldest brother was authorized to take care of the affairs of the minors while they are his half-brothers/sisters and have an elder brother, then they gave him absolute power to run their affairs but the eldest brother objects to this action because he is their eldest brother, should his objection be accepted?

C- The deceased had a farm and one of the inheritors wants to invest in it and another one wants to sell it. What should they do?

A: First, the eldest brother has no right to run the share of the two brothers who did not authorize him - if they are adults - without a legal proxy even if

he is the agent of most of the heirs. No one has the right to object to the agent as long as he acts within the limit of the one-third which the deceased bequeathed claiming that they are poor and one-third is too much. The Prophet (peace be upon him) gave permission to bequeath one third. The legal bequest should only be applied after the death of the testator. However, they have the right to object to him if he spends it in other than the legal ways of spending which the testator defined or in any act other than charitable acts if the testator did not define a way of spending. The poor relatives of the testator are worthier to take the one third in order to fulfill their needs after paying to Al-Mu`ayyanat (definite ways of spending) which the testator defined. **Second,** if the ruler appoints the eldest brother who is not a full brother, as guardian of the minors while knowing that they have a full brother, the half-brother does not have the right to object to the guardian. If the judge appoints the half brother and does not know that there is a full brother, the full brother may submit his case to the judge and explain the matter to him and he will judge according to the best interest of the minors. If the minors themselves authorize the eldest brother, their authorization is not valid and it is the judge's decision to appoint a guardian over them if their father did not assign one. **Third,** if the father has a farm and the heirs differ about whether to invest or

sell it, they may share it if it is possible and each of them can run his share as he sees fit. The one who is entrusted with the shares of the minors has the right to run them as he sees is in their best interest. If it can not be shared, they may sell it and share its price. If they disagree, they should resort to the court to settle this dispute. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4919

Q: can I make a bequest for my wiser sons to be executors of my bequest after my death even though they have older brothers and sisters? Is it obligatory to register this bequest at the court or in a public notary? Will this bequest be effective after my death? Is it recommended to entail precious real estate and farms to my sons after my death in case the bequest is invalid?

A: It will be permissible for you to bequeath those whom you think to be wise from among your sons even though there are those who are older than them. You are not required

(Part No. 16; Page No. 367)

to register it in the court, but if you do, this will be good. The bequest should be within one third of the property and will be applied after your death. This bequest will be according to the farms and other property you determine. The revenue of the things you define will be spent in maintaining them and the rest will be spent in charitable acts for the needy among your relatives and others. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 9685

Q: My husband, `Aly Al-Hamad Al-Sulayman, died 10 years ago. His estate went to his wife and his two sons. Before he died, he (may Allah be merciful with him) bequeathed one third of his property to be spent in charitable works. He made this will before he married me and before I gave birth to his second son. He had his eldest son from his first wife whom he divorced. After that he died and the will remains as it is. Since he died, this one third of his estate is frozen under the supervision of the legal guardian, my husband's cousin. He did not use it or even any part of it. When I asked the guardian to give me part of this third of the estate to spend on charitable activities such as helping some needy persons among my relatives and settling the debt of my brothers, he said that he has no objection to give me this part of the estate

provided that I bring him a written legal Fatwa that proves that I deserve to receive this part. It should be noted that one third of the estate is a large sum of money. Praise be to Allah.

I hope Your Eminence will tell me whether I have the right to ask for this third of the estate to spend on charitable activities, or if I should let the guardian spend it if I guide him to the charitable deeds such as helping my needy relatives, and paying my brother's debts. It should be noted that the term of settling these debts is due and my brother cannot afford to pay. It should also be noted that the guardian, my husband's cousin, is a good, reliable and trustworthy person. He just stipulated that I bring him a legal Fatwa to be free of blame and responsibility and also to execute the will.

A: The guardian has to spend the one third of the legacy that is bequeathed for charitable deeds after consulting the competent judge. Consequently, if he needs any advice, he should resort to the competent judge and ask him about the problems he has as regards the channels of spending the bequeathed money. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11400

Q: My father died before performing Hajj, but he made his will before death urging us to sell one of his farms and give the money to someone who could do Hajj on his behalf. I nominated someone else without selling the farm. So, I would like to know whether what I did is sufficient or if I am obliged to sell the land as mentioned in the will. If so, are the heirs entitled to buy the land? kindly, give us your Fatwa in this regard. May Allah reward you the best.

A: If you perform Hajj on behalf of your father, this is enough, and you are not obliged to sell the land, because the purpose of selling has already been achieved. Therefore, there is no need for selling it. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

First question of Fatwa no. 10954

Q 1: what is the ruling if the will is not executed? will that cause any harm to the dead person?

A: Attorneys of Shar`y (Islamic legal) wills have to execute them. In case that they do not do so or they execute the wills badly, they - the attorneys - will bear the sin of it. Allah (Exalted be He) says:

(Part No. 16; Page No. 370)

(Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allâh is All-Hearer, All-Knower.) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 16341

Q 1: when my father died he bequeathed that I should give one-third of the sheep from his property in charity on behalf of himself and his mother. I have not fulfilled this bequest due to my lack of knowledge, and I have already sold the sheep three years after his death. what should I do?

A: You are obligated to give the one-third of the sheep that your father bequeathed or their value in charity. As you have not given anything in charity and you have sold the sheep and spent the money you got for them, you must pay the value of the one-third of the sheep from your own money to execute your father's will. This is because executing a will takes precedence over distributing inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 16745

Q 1: My brother died leaving eleven children and a debt of 118,000 Riyals. There was nothing to repay his debt with, except his salary of 800 Riyals. Starting from 10/3/1414 A.H., his family received an annual monthly social insurance payment of 1,600 Riyals. Do I have the right to repay some of his debts from this insurance or not, bearing in mind that the children live in a rented house and I support them from my salary.

A: it is obligatory to keep the social insurance paid to these orphans by the government for them and to support them from it, likewise their father's pension. It is not permissible for you to settle their father's debts from this money until they reach full legal age and approve of this. If you repay your brother's debt from your own money, you will be a good doer and you will be rewarded for it. You can also mention it to some benevolent people, and maybe they will help to repay them and you will be assisting in something good. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 15354

All praise be to Allah Alone, and peace and blessings be upon the last Prophet.

The Permanent Committee for Scholarly Research and Ifta' has read the letter that was sent to His Eminence the President by Muhammad ibn Nasir ibn `Abdul-Karim through His Eminence the Judge of the court of Hafr Al-Batin. The concerned letter was transferred to the Committee by the Secretariat-General for the Council of Senior Scholars under the number 1426 and dated in 17/05/1412 A. H. The question is included in the letter of the Judge. It reads as follows: Attached to this letter is a photo copy of the will of Nasir ibn Muhammad ibn `Abdul-Karim (may Allah be merciful with him) whose son Muhammad asked us about the validity of what his father mentioned that half of the third of his father's estate is to be for him (Muhammad) and the other half is to be spent on offering sacrifices in his (father's) behalf and in behalf of his parents. Is this considered valid bearing in mind that the inheritors agreed to it? Besides, the questioner said that the whole third has become a small sum that can not be invested and spent on buying a real property whose revenue can be used for implementing the will. Moreover, the questioner asks whether such sum can be donated to a Masjid (mosque)? It is noteworthy that many people ask about such an issue especially that bequests are subjected to carelessness and loss particularly after the death of the legatee. We hope that your Eminence could provide us with your beneficial answer regarding the concerned matter.

The Committee has also read the will that reads: Nasir ibn Muhammad ibn `Abdul-Karim stated - while he was of sound mind and body - that he granted his son Muhammad half of one third of his estate and that the other half was to be for himself and his parents to be spent on offering sacrifices in their behalf. I entrusted my mentioned above son i.e. Muhammad to distribute the concerned sacrifices. Moreover, my son Muhammad is free to spend whatever remains after paying for the sacrifices mentioned above in the way he likes. I do not allow any one of the other inheritors or any body else to oppose my mentioned son regarding the one third; whether the whole of it or the sacrifices. This was witnessed by `Abdul-`Aziz ibn Sulayman ibn Nuh and Muhammad Al-`Abdallah Al-`Abd Al-Karim. It was witnessed and written in the presence of Hamad ibn Nasir ibn Dawy. The reason why Nasir granted half of the third to his son is what Nasir mentions that his son Muhammad wanted to travel to earn his livelihood but Nasir preferred that his son would be with him to look after his business. thus Nasir grants Muhammad half of one third of his estate against the latter's work. This is the grant that Nasir gives to his son. The foregoing was witnessed by the witnesses who are mentioned above and may peace be upon Prophet Muhammad.

A: Firstly: Granting Nasir of half of one third of his estate to his son Muhammad - i.e. one sixth for looking after his father's business during his lifetime - is considered a fee. The forgoing is permissible especially that the inheritors agreed to it.

Secondly: The Waqf (endowment), which is one sixth of the estate, has to be spent on what it was made for. Its supervisor has to develop it even though it is of little value. In case that it is not enough for offering a sacrifice every year, it can be used for offering a sacrifice every other year. It can not be spent on a Masjid because this is not specified by the endower. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 996

The committee reviewed the documents sent to it, including a request for a Fatwa (legal opinion issued by a qualified Muslim scholar), a copy of a Waqf (endowment) and other documents, and a will. Here is the Fatwa request and a summary of the two documents, followed by the answer.

"My father (may Allah be merciful to him) died leaving four sons, one of whom is a nine year old minor, four daughters, and two wives, and he left the attached will. He had bought a house and made it a Waqf for Allah's Sake, and he specified that its income was to be used to buy two sacrificial animals on behalf of his parents and their parents. This was stipulated towards the end of the attached house document. Please give me a Fatwa on the following:

(Part No. 16; Page No. 375)

Q 1: I have a surplus from the income from the Waqf house, which was dedicated to buy two sacrificial animals for the deceased's parents and grandparents. The house does not need any repairs. My father also built a Masjid (mosque) in Al-'Urayja' and a house for the Imam (the one who leads congregational Prayer), none of which also need any repairs or anything else, as the government took over the responsibility for them after they were built. So what should I do with this surplus? Should I distribute it among the heirs or not? If so, how should I distribute it among them, and are the wives included?

Q 2: Is it permissible for one of the heirs to live in this Waqf house, without any pressing necessity? Is it permissible for the young minor son to live in this house, as he has no income other than his share in the inheritance? He wants to live in this house with his mother but some of the other heirs disagree with this. According to the Shari'ah (Islamic law), are they obliged to let him live in this house against their will?

Q 3: my late father bequeathed one-third of his property and there is a surplus income, what should I do with it? Should I distribute it equally among the heirs or give the men twice as much as the women? Can the wives receive a share of the surplus income from the bequeathed one-third? Let me stress that the Waqf house, the Masjid in Al-'Urayja', and the Imam's house do not need any repairs or anything else.

Q 4: Are the heirs obligated to let the minor son live in one of the houses from the bequeathed one-third without paying any rent or is their consent necessary?

(Part No. 16; Page No. 376)

Q 5: Should I give the minor heir his share of the inheritance or what should I do with it? Is it necessary to get a legal guardianship document for him? Should I provide for him from his share of the inheritance or not? Also, is it permissible for me to let someone who is reliable, other than me, act as his guardian?"

The Waqf contract states: "Mr. Hamad ibn 'Abdullah ibn Sayf has made the abovementioned house a Waqf for Allah's Sake. He stipulated that its income is to be

used to buy two sacrificial animals; one on behalf of his father, 'Abdullah ibn Sulayman ibn Sayf, and his parents, and the other on behalf of his mother, Sarah bint Hamad Al-Shaybany, and her parents. Whatever remains after any repair work that may be needed by the Waqf, is to be paid equally to his needy children, both males and females equally, and their children after them. If they are not in need, it is to be used to repair the house in Al-'Urayja' that he created as a Waqf for the Imam of the Masjid. If any money still remains after that, it is to be spent on the Masjid in Al-'Urayja'. This document was written on 4/3/1390 A.H. and it was witnessed by Shaykh Muhammad ibn Muhayzi'."

As for the will, the text states:

"Mr. Hamad ibn 'Abdullah ibn Sayf bequeaths one-third of his property on his death to be used to buy a house on his behalf, which is to be made a Waqf, with its income being spent on an Ud-hiyah (sacrificial animal offered by non-pilgrims) on behalf of himself and his sister Nurah bint 'Abdullah ibn Sayf. Anything that remains from the income should be given to

his children, if they are in need, and their children and descendents after them. If none of them are in need, the money is to be used for the Waqf house and whatever remains after that is to be spent on repairing the Masjid built by Hamad in Al-'Urayja'. The executor for this will is his son, 'Abdullah, and it is dated 4/3/1390 A.H. and written down by Shaykh Muhammad ibn Muhayzi'."

After the committee had reviewed the Fatwa request and the copies of the two documents, it gave the following answer:

First: The priority is to use the income from the two houses for repairs. **Second:** The surplus is to be used to offer Ud-hiyah. **Third:** There should be a regular precautionary fixed amount of the income allocated to address any emergencies that may arise in the bequeathed house, the Waqf house, the Masjid, or the Imam's house. **Fourth:** Whatever remains after that is to be given equally to any needy children of the deceased, both males and females, and their children after them, as stated in the will and document. **Fifth:** If the children are not in need, any surplus money from the Waqf house income is to be spent on repairing the Waqf Imam's house in Al-'Urayja'. If anything still remains, it is to be spent on the Masjid in Al-'Urayja'. Any remaining income from the bequeathed house

is to be used to restore the Waqf house and the surplus is to be used to repair the Masjid built by Hamad in Al-'Urayja'. **Sixth:** If after offering the Ud-hiyah and allocating the amount specified in the third point; and if the Waqf and bequeathed houses do not need any repairs at that time nor do the Masjid in Al-'Urayja' and the Imam's house; and if the children are not in need of money, the remaining amount of money is to be given to poor relatives, as this is Sadaqah (voluntary charity) and a way of keeping good ties with them. If there are no poor relatives, the money can be spent in other charitable ways. If either of the deceased's widows is poor, she is to be given Sadaqah from the income, for she is considered among the poor non-relatives. **Seventh:** If the minor son is wealthy, it is not permissible to give him any of the income of the Waqf or the bequeathed house, but if he is poor, he is to be given what suffices him. **Eighth:** The minor son's share from his father's inheritance should be managed by the legal guardian from his father's side, if someone was specified. If no guardian has been specified, it should be referred to the religious ruler to appoint someone, and he should also decide how the property is to be managed, how much is going to be

spent on the minor, and how much the guardian should be paid for their services. If the guardian faces a problem, they should refer the matter to the religious ruler.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 1538

Q: My maternal grandmother had a house. Just before she died, she bequeathed my mother to offer an Udhiyah (sacrificial animal offered by non-pilgrims) from its revenue. During my mother's lifetime, we used to offer the Udhiyah irregularly due to the destruction of the house. On her death bed, my mother bequeathed me to reconstruct the house. Then, I asked her heirs to give up their right of inheritance to use it for restructuring the house and they agreed. She left behind 1,200 Riyals. I handled the restructuring of the house according to my mother's bequest, which is my concern, and paid for it from my own money till the house became like other houses. Now, it yields revenue which is greater than the costs of the Udhiyah, and this is what I am asking about. Is it permissible for me to take this money since I have revived something that was dead? If not, who is entitled to it? It should be noted that she had another ruined house. Should I collect the revenue of the reconstructed house and invest it in this one?

A: The following matters should be kept in mind: 1- Your mother bequeathed you to reconstruct your grandmother's house; 2- Your grandmother had bequeathed your mother to offer an Udhiyah; 3- The house was destroyed and you took the heirs' permission to leave the money she had left for them, which amounts to 1,200 Riyals, and they agreed. Accordingly, you reconstructed that house and

handled it according to your mother's bequest; and 4- You reconstructed it from your own money. Then, what the heirs gave was offered by way of donation to the house owner, and what you have spent on the house is considered an execution of your mother's bequest, and you would be considered to have donated to your grandmother. Accordingly, what is to be done first from the revenue of this house, is to restructure it then execute the bequest of the testator, and what is left over should be spent on charitable causes depending on the decision of the legal trustee. These charitable causes include spending it on her poor relatives, for they are more worthy than others. However, if any dispute arises, the legal court should be the arbiter. If the other destroyed house belonging to your grandmother, was attached to the house, then we have declared the ruling for you. However, if it is part of the estate and is not attached to the endowed house, the matter is up to the heirs; if they permit to attach it to the endowed house, then their ruling is the same. However, if they do not permit this, it is considered an estate that is to be distributed among the heirs according to Allah's way in this regard. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1926

Q: Attached is a copy of my grandmother's will, Hilah bint Al-Hamidy. Please advise me on what to do with the remaining amount of the revenue of her house after offering the Udhiyah (sacrificial animal offered by non-pilgrims) stipulated in her will, for the revenue has exceeded the cost of the Udhiyah.

After having perused the will, we find that it states the following: This is the bequest of Hilah bint Muhammad Al-Hamidy, in which she bequeathed the known house to Muhammad and his brothers. Whoever is in need among them may live in this house, and whoever is in no need of it should offer an Udhiyah. This will is witnessed by its clerk, `Abdul-`Aziz ibn Ahmad ibn `Abdullah in 1317 A.H.

A: If Muhammad or his brothers are in need of this house, they can live in it. However, if they are not, they should offer the Udhiyah. The remaining amount, after offering the Udhiyah, should be allocated for maintaining the house and for spending in charitable ways under the supervision of the trustee. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1868

Q: Please advise me about a woman who willed one-third of her property to her nephew to offer Ud-hiyah (sacrificial animal offered by non-pilgrims). The woman died and the one-third from her estate was used to buy a house. The rent from the house is used to pay for the Ud-hiyah, but there is a surplus. Is it Halal (lawful) for the Wakil (legally accountable person who acts on behalf of another for a specific permissible matter) to take the surplus? Do the brothers of the deceased Waqf (endowment) donor have any right in the surplus? Is it permissible for the Wakil to live in the house in return for the obligation he performs with the Ud-hiyah and other matters?

A: Having studied the question and the attached will, it is the committee's opinion that

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the will of the testator is to be executed, and that an annual amount of the surplus from the house income is to be allocated to maintaining the house whenever this is necessary. The rest is to be used for other charitable purposes, according to the discretion of the Wakil. If the testator has any poor relatives, they are to be given charity out of the surplus. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2614

Q: My father's will, of which there is a copy attached, stipulates the following: one third of his money is used to buy three Ud-hiyahs (sacrificial animals offered by non-pilgrims) forever, one for himself, one for his mother and one for his father. He also wrote in his will that Hajj should be performed three times, once for himself, once for his mother, and once for his maternal brother. The trustee for this third is his daughter Turfah, and then his nephew Fahd ibn Sa`d ibn Hammad. I am his daughter, the trustee, and my younger brother is fifteen years old. I am married and employed, and my brother is a student.

My question is about who has a right to the remaining profit of the third; how it is divided, and whether a man's share is twice a woman's or is it divided equally?

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A: If the situation is as you mentioned, that the man wrote in his will that one third of his inheritance is to be used to buy three Ud-hiyahs and perform Hajj three times on behalf of the people mentioned above, and the rest of the profit of the third should be spent in forms of charity, whether to the poor, constructing Masjids (mosques) and so on. If there is a poor person among the heirs, they have priority, as the testator intends to give all the profit of the third in charity, and he has named the three Ud-hiyahs and Hajj three times as previously mentioned. If the Waqf (endowment) needs to be fixed, it has priority over the above-mentioned. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3226

Q: My brother died in 1394 A.H. He bequeathed one third of his property to enable his wife to perform Hajj and perform Hajj on his behalf and slaughtering Ud-hiyah (sacrificial animal offered by non-pilgrims) permanently on their behalf. The third of his property at the time of his death was 46,000 Riyals. We have invested this sum of money in trade until it became 360,000 Riyals. We will buy real estate with this money.

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The revenue of this real estate will range from 25,000 Riyals to 30,000 Riyals annually.

1- Should I offer the Ud-hiyah on his behalf and on behalf of his wife and parents, or should I offer another one for the sake of his parents from the revenue of this estate? Can I perform Hajj on behalf of his parents from the revenue of this estate as a way of showing gratitude to his parents?

2- Is it permissible to give charity to the poor from this revenue and to contribute in charitable deeds for the benefit of the deceased?

3- What should we do concerning the revenue that remains after offering the Ud-hiyah?

4- Can the executor do his best to perform deeds that were not mentioned in the bequest for the benefit of the deceased?

5- Should the wife be given the costs of performing Hajj in cash if she desires as she performed Hajj more than one time?

6- Should we pay Zakah for this third or for its revenue?

Answer my question! May Allah reward you well!

A: First, the executor should offer one Ud-hiyah every year on behalf of the testator and on behalf of his wife from the revenue gained from this third. He also has to perform Hajj on behalf of the deceased and his wife one time from the revenue. The executor should not include the parents of the deceased along with him in the Ud-hiyah. However, he can perform another Ud-hiyah on their behalf. He can also perform Hajj on their behalf from what remains of this revenue. **Second,**

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it will also be permissible to give charity to the poor from the rest of the revenue as well as contributing to all charitable deeds for the benefit of the deceased. This can be done after executing what was mentioned in the bequest of offering Ud-hiyah annually and performing Hajj for his sake and for his wife one time. **Third,** the rest of the revenue of the third should be spent in charitable deeds. If one of his relatives is poor, he will be more worthy of receiving charity from this revenue. **Fourth,** the executor can dispose of the affairs of what remains from the revenue with what he deems to be in the best interest of the testator and the Muslims. **Fifth,** the executor should not give the wife of the testator the costs of performing Hajj in cash unless she desires to perform Hajj for herself in order to execute the bequest of the testator. **Six,** there is no Zakah for this third or for its revenue; however, the executor should do what is of benefit for the estate in terms of maintenance and so on. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad,

his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3761

Q: `Abdullah ibn `Abdul-Rahman Al-Duwaysh designated a specific person to be in charge of his Waqf (endowment) consisting of one-third of his wealth. Is it permissible to spend from the original amount of the Waqf on charitable activities when the revenues of the one third increase? The following is the statement of the will made by `Abdullah and issued by Al-Zulfa Court:

Firstly, all his debts, no matter what the amount is, should be repaid from his estate. One-third of the wealth left after paying these debts should be set as Waqf whose benefits can be spent on lawful forms of charity. A building is dedicated as Waqf whose revenues can be used in purchasing one Ud-hiyah (sacrificial animal offered by non-pilgrims) to be offered on his and his parents' behalf. If the Waqf yields more than the cost of one Ud-hiyah, the extra money should be given in charity on the blessed days such as days of Ramadan. When the building requires any maintenance, it should take precedence over giving charity.

A: It is obligatory to act in accordance with what is mentioned in the said will. The property should be kept intact and the income can be spent firstly on maintaining the building, and secondly on purchasing one Ud-hiyah. The extra money should be spent on charitable works including giving Sadaqah (voluntary charity) to the poor and the needy during Ramadan and other times, maintaining or contributing towards the maintenance of the Masjids (mosques) and so on. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3706

Q: I bought a building in Um Sulaym and intended to make it a Waqf (endowment) for the Sake of Allah. I also intended to offer three Ud-hiyahs (sacrificial animals offered by non-pilgrims) from the rent of the building. However, this house is built from clay, so I thought of demolishing it and rebuilding it, and dividing it into apartments and shops to increase the income. Do I have the right to increase the number of the Ud-hiyahs on behalf of my late uncles from the Gulf, neither of whom had any children? Is it also permissible for me to give my other old uncles, who do not have an income, and my paternal and maternal half-brothers, part of the rent from this building? Is it permissible for me to provide dinner for the Masjid (mosque) in Ramadan? Would you please send us your answer in writing so we can consider our plans regarding the house accordingly, and may Allah guide you.

A: If the reality is as you have mentioned, it is permissible for you to increase the Waqf as you would like to, for more good deeds that include many charitable activities, such as offering Ud-hiyah, kindly maintaining the ties of kinship, and giving charity to neighbors and the poor. We ask Allah to grant you success and reward you greatly. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3482

Q: My grandfather left my father one-third of his property to distribute in the following ways: give 40 Sa's (1 Sa' = 2.172 kg) of dates to fasting people in Ramadan; buy a permanent light for the Masjid (mosque); offer 3 Ud-hiyah (sacrificial animal offered by non-pilgrims) on behalf of his father, his mother, and himself; and spend the remainder of the one-third on charitable activities. My father bought a building with my grandfather's bequeathed one-third and made it a Waqf (endowment) before he passed away (may Allah be merciful to them both). This building is rented out and the income is enough to buy the Ud-hiyah, light the Masjid, and buy the dates. However, part of this income remains and the building does not need any maintenance. What should we do with the remaining sum of money? Please advise us and may Allah reward you!

A: If the reality is as you mentioned, you should spend the remaining money from the house income, after executing what is specified in the will, on charitable activities, and you should not withhold it, in order to carry out your grandfather's will, and keep the flow of good works going as he stipulated, such as giving Sadaqah (voluntary charity) to the poor and the needy, maintenance of the Masjids, etc. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

(Part No. 16; Page No. 389)

Fatwa no. 5074

Q: My father, Sa`d ibn `Abdul `Aziz Al-Dayil died and left behind ten children; six sons and four daughters born to three wives. He bequeathed a shop located in the city of Riyadh, Hillah Al-Qasiman district, at the main market. The shop gives an income of more than eighty thousand Riyals, which exceeds one third of the total estate of our father. The will our father had made includes offering Ud-hiyah (sacrificial animal offered by non-pilgrims) and performing Hajj once on his behalf. We are in bad need of the remainder as we have not yet married and are heavily indebted. Moreover, the shares of inheritance we are entitled to receive fall short of meeting our basic needs. We have issued a deed that proves our need.

A: After the committee closely studied the question and looked into the deed of the will and the deed that proves the want of the sons of Sa`d ibn Dayil, the following fatwa was issued: based on the proven need of the sons, the income of the one third portion of the estate should be distributed to them after having carried out the testator's will. If any of the inheritors dispenses with his right, he will be entitled to nothing of the income. If all the inheritors dispense with their rights, the income should be distributed in charitable ways of disposition in the way the guardians deem fit.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (7286)

Q: My father (may Allah be merciful with him) bequeathed that one-third of his wealth be spent on five Ud-hiyahs (sacrificial animals offered by non-pilgrims), and that the remainder of the third be spent on repairing the real-estate. We bought a building out of the one-third that yields a good revenue exceeding the price of Ud-hiyahs. We, thus, want to spend the remainder of the third on charitable purposes such as building a Masjid (mosque) or the like. In this regard, one scholar, whose fatwa we sought, advised us to buy a building and then spend its revenue on charitable purposes if approved of by heirs. Otherwise, it should be distributed among heirs each receiving their Shar`y (Islamic legal) share of inheritance. Please, bear in mind that the heirs approve that the remainder be spent on charitable purposes. Please, examine a copy of the bequest mentioned above dated 7/5/1384 A.H. authenticated by the chief justice of the court of Al-Mujamma`ah Shaykh `Aly Al-Rumy in 16/1/1387. Following is an outline of its provisions: He bequeathed that one-third of his wealth in the future be spent on five Ud-hiyahs permanently; one on behalf of himself, another on behalf of his father `Abdul-`Aziz, a third on behalf of his mother Hassah bint `Abdullah Al-Fakhiry, the fourth on behalf of his uncle Muhammad ibn `Abdullah Al-Tuwijiry and the fifth on behalf of his wife Haya' bint `Abdul-Muhsin

Al-Rabi`ah. The remainder of the revenue of the third referred to above, after the Ud-hiyahs mentioned above, is to be used in repairing the third.

A: the remainder after spending out of the third's revenue on the specified purpose is to be spent on charitable purposes such as giving the poor, building or participating in building Masjids and the like. This is to be considered only after repairing what the Waqf (endowment) needs repaired. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (8032)

Q: One-third of our father's wealth is a large sum of money out of which we bought a building. We ask Your Eminence about the remainder of the third after buying the building; should we spend it on building a Masjid (mosque)? Some scholars told us to invest it in a building whose revenue is to be spent on charitable purposes if so approved of by heirs, for, in fact, the bequest only provides for five Ud-hiyahs (sacrificial animals offered by non-pilgrims) and repairing the third. Please inform us about this.

A: ruling on the remainder of the estate's third after buying the building mentioned above is the same as that on money out of which the building was bought. That is: it is to be spent on buying a real-estate or building an annex

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to the existing building, if it is valid to do so, under the supervision of the court according to usually adopted procedures. As for the revenue in all cases, the ruling on which has been explained in the previous Fatwa, No. (7286), which provides that heirs are not entitled to the revenue and it is to be spent on charitable purposes. However, poor people among heirs or non-heir relatives may be given charity out of the revenue. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (8062)

Q: I have asked you before about how to spend the remainder of the estate's third revenue after enforcing the bequest, to which you have given me the answer that it should be spent on charitable purposes as viewed proper by the deputy. Wishing that the fatwa be in a written form so that I may keep it and deputize another righteous person in case I cannot undertake proxy properly, I hope that you will give me a written fatwa on the issue. May Allah reward you good and guide you to that which is good for Islam and Muslims!

A: If the reality is as you have mentioned, first of all, the bequest is to be enforced

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through slaughtering Ud-hiyahs (sacrificial animals offered by non-pilgrims) out of the third's revenue on behalf of persons assigned. the remainder of the revenue is to be spent on charitable purposes such as giving the poor and the needy, indispensable things such as building or repairing Masjids and the like. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8910

Q: One of my relatives who was called Muhammad ibn Abdullah Al-Hadlaq died and left behind three daughters and a wife. The deceased had bequeathed one third of his property to be spent in offering Ud-hiyah (sacrificial animal offered by non-pilgrims) and certain charitable deeds. However, the revenue of this third exceeds the expenses needed for the deeds mentioned in the bequest.

I would like to ask Your Eminence if his daughters and their mother have any right in the revenue of this third. Moreover, two of the daughters are married and the third one is divorced and lives with her mother for free in a house owned by all of them.

The married daughters are supported by their husbands with regard to residence, food and clothes, but they may be in need for other things due to worldly requirements. We would like to know the ruling on this issue.

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What percentage would be given to the daughters and their mother if they have the right to receive anything from the revenue?

A: After maintaining and repairing the third of the property from its revenue, you must carry out the bequest of the testator with regard to Ud-hiyah. If anything remains from the revenue, it has to be spent in charitable deeds on behalf of the deceased and his parents. Nothing of this revenue can be distributed as inheritance. Those who are rich from among the heirs should not receive anything from the revenue of this third, but those who are poor may receive sustenance from this revenue due to their need and poverty. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8903

Q: Before he died, my paternal grandfather had bequeathed that four cows and ten sheep should be slaughtered from his money. However, nothing has been slaughtered from his money up till now. In fact, my brother and I slaughtered two cows and five sheep and intended their reward to go for him. He had sons and a wife. Some of his sons are underage children. I was appointed by the legal court in our town as their guardian. Is it permissible to execute his will and slaughter four cows and ten sheep from the minor's inheritance?

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If it is permissible, will it be permissible to sell the cows and the sheep then give their value to the needy and the poor people or spend them on charitable works or give them (the cows and sheep) alive to the poor and needy? Are the cows and sheep that were slaughtered by my brother and I considered part of the will? We appreciate your advice. May Allah reward you best!

A: The mentioned will has to be carried out from the money of the testator after settling his debts if he was indebted and before distributing it to the inheritors. The amount of the will has to be one third or less of the value of the estate. The cows and sheep you slaughtered voluntarily are not sufficient for the execution of the will. We hope Allah (Exalted be He) will reward you and the deceased for what you have done for him. Also, it is not sufficient to give the value of the cows and sheep to the poor or to give the cows and sheep alive to the poor because there may be a special reason why the testator intended to distribute them in the form of meat. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The third question of Fatwa no. 9402

Q 3: before his death, a man made a will that a sum of money should be dedicated to his sister and her daughters.

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He stipulated that a house or a piece of land should be purchased with the money, and that its revenue would go to his sister and her daughters. Twelve years passed without purchasing a house or any other thing. The sister is now in dire need of money. The trustee refuses to give her the money for fear of going against the stipulation of the testator. The sister and her daughters asked the testator's sons and they agreed that their aunt would take the money. Is this act permissible or not?

A: If the case is as you have mentioned that the sister and her daughters need the money, and that they cannot afford the house, it is permissible to give them the money to meet their needs as the testator's aim is to help his sister and her daughters. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 10234

Q: Nasir ibn Muhammad Al-Quwayfily (may Allah be merciful to him) passed away. Amongst his estate were two shops that he left in his will as Waqfs (endowments) in Al-Kharj city. He said that the income from these two shops is to be spent on two Ud-hiyah (sacrificial animal offered by non-pilgrims); one on behalf of his parents and his brother Sulayman; the other on the behalf of his wife, his children, and himself; and for someone to perform Hajj on his behalf. The remaining money should be given as Sadaqah (voluntary charity) during Ramadan to any of his children who are needy, and if there are none, then to

any of his relatives who are needy. If there are none of these, the Wakil (legally accountable person who acts on behalf of another for a specific permissible matter) has the right to exercise his own discretion regarding the remaining, as mentioned in the attached copy of the will.

The question is: The income from these two shops exceeds the cost of Hajj and the two Ud-hiyah, so what should we do with this surplus and how should it be disposed of it? Should it be distributed to the deceased man's children, the young ones and the adults according to their need or only among the young children? What is the criterion for the need, if it exceeds their need for clothing or food or other lawful expenditure? Should the money in excess of this be saved for them, for their future, as they are considered orphans? If so, should the boys and girls be treated equally in terms of their financial support as there are so many of them, or should the boys have twice that of the girls? Does his widow, the mother of the children, who still takes care of her children, have a share in this will, bearing in mind that she has not remarried so she can continue to look after the children's best interests?

It is worth mentioning here that the deceased's daughters have waived their inheritance, as shown in the attached copy of the waiver, provided that their father's debts are settled. Is this valid? Have they lost their right of inheritance and would this affect their right in the will if they were in need? Should the requested Hajj be repeated if there is still enough money or should it only be performed once? Among the estate was a house, built through the Real Estate Development Fund and his young children live in there, but they were exempted from this loan.

Do the children have the right to inherit this house as the deceased submitted the exemption request in their names? Please advise us to free ourselves from this responsibility May Allah guide you to what pleases Him!

A: The deceased's will should be carried out. The surplus should be spent on those of his children who are needy and if there are none, then on those of his relatives who are needy. If there are none, the Wakil should spend it on what they see as charitable activities, such as building Masjids

(mosques) or giving Sadaqah (voluntary charity) to the poor, etc. This money should not be saved for those who might need it in the future, instead they should be given what suffice them just for one year, and the remainder should be distributed to others, including the mother of his children, if she is in need and she is the one who looks after them. Hajj should only be performed once and there is no need to repeat it, as he did not state this. As for the ruler forgiving the loan, this is waiving the debt of the deceased, and the house is for all the heirs, unless the state has specified any of them for it. It is permissible for the daughters to waive their inheritance share on condition that their father's debts are repaid if they are adults and the debts that they made conditional are settled. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9358

Q: A man died and left his wife 450,000 riyals, which was monetary compensation for a house he inherited from his mother. The deceased was barren; he had no children. He did not even have agnates and his only heir is his wife, who wants to spend the money in building a Masjid (mosque) as waqf (endowment) for the sake of Allah on behalf of her late husband, mother-in-law, and herself. Is it permissible for her to do this according to the Shari`ah (Islamic law) or not?

A: If the reality is as mentioned, it is permissible because this is a charitable way of disposition. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 2: before a man died, he made a will during his lifetime of one-third of the value of his house, to be spent on acts of charity. He had no heirs except for his brother and his wife. After his death, the house was sold and his brother and wife took their respective shares according to the Shari`ah rules of inheritance and gave me the one-third and the will to spend on charitable causes on behalf of the deceased. The one-third willed, around 70,000, was not sufficient for building a Masjid (mosque). Which is better; to donate this money to be utilized in building a Masjid, donate it to a charitable organization to spend on the poor and needy according to its programs, give it in charity to support the Afghani Mujahideen or give it as financial aid to married couples? Kindly answer me, may Allah reward you!

A: If the will is valid and the case is as you have mentioned, you can participate with the money in

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building a Masjid. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

The Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9246

Q: Please issue a Fatwa for me regarding the will of my father Himdan Nawwar Hamad Al-`Utayby. The summary of the will is: I bequeathed one quarter of my estate to be given for the sake of Allah on my behalf. (Attached is a copy of the will). I have been to the Main Court and got a legal deed which officially validated the concerned will. (Attached is a copy of the deed). Nevertheless, when I requested allocating one quarter of my father's estate to be given for sake of Allah on my father's behalf as the latter willed, the judge asked me to get a Fatwa regarding the will, the way of spending the concerned quarter of the estate of the testator, and the channels on which this is to be spent. I hope from Allah then from your Eminence that you issue an official Fatwa regarding this will. Please let it be quick and answer the questions of the judge.

A: The revenue of what is mentioned in the question should be spent on charitable ways of disposition such as poor people, especially the poor among your father's offspring, Masjids (mosques), providing people with water, etc.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12641

Q: My husband died and appointed me as an executor of his bequest. This is the text of the bequest: "I bequeath my wife Fatimah bint Abdullah Al-`Amar with one third of all that I have of shares, money, companies, real estates, land and moveable and immovable things whether in Kuwait or abroad. This money should be spent on adult and minor needy persons from among my offspring, males and females. Moreover, if Fatimah is in need of anything from this third, she will be permitted to receive what she needs of food and so on." The testator, Sayid Abdul-Razzaq permitted his wife to appoint a righteous executor to succeed her from among their sons.

We would like Your Eminence to give us a detailed Fatwa that contains an elaboration on the following points:

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1- It is mentioned in the text of the bequest: "My needy offspring should receive from the revenue of this third." Is this bequest confined to doing charitable deeds only or can the wife of the testator and his children benefit from it in case of their need? Are they more worthy of benefiting from the revenue of this third than poor and needy Muslims in general? Is this bequest confined to needy persons from among the heirs of the testator only and therefore can not be spent in other charitable deeds? Should this bequest be limited to doing charitable matters only as there is no bequest for an heir? Does this mean that heirs cannot benefit from this third?

2- Does this bequest apply for adult and minor children in this generation and the next? If this bequest is confined to this generation only, what is the ruling on the revenue that remains after their death? Who will be permitted to make use of this money?

3- What is the meaning of "the need" that was mentioned in the bequest? Does the word need apply only for those who were needy at the time of the death of the testator or for other times in the future? Can we nullify the bequest under the pretext that there is no minor or needy person at the present time? Moreover, my husband was very benevolent and helpful to the needy. He was keen to continue performing charitable deeds after his death.

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I hope to receive a Fatwa concerning the content of this bequest as soon as possible because I will not begin executing this bequest until I receive a detailed answer for my questions according to the understanding of the scholars. I hope you can answer my question soon. I ask Allah to make you useful to His religion and Shari'ah (Islamic law). He is All-Hearer and Responsive.

A: First, you should carry out what was bequeathed by the testator with regard to counting his property and determining its third. **Second,** the revenue of one third should be spent in all charitable deeds and aspects of righteousness like constructing and maintaining Masjids (mosques), helping

poor and needy persons, supporting those who are fighting in the cause of Allah and the like. **Third,** the needy persons from among the offspring of the testator whether males or females, adults or minors can receive money from the revenue of this third according to their need without extravagance. Those who are rich from among them should not receive anything from this revenue. **Fourth,** the need determines the status in which they can receive Zakah (obligatory charity) because of their poverty and debts. **Fifth,** the guardian may take from the revenue what will be sufficient for him in return for his work without buying any estate or the like for himself or for others from the money he receives from this revenue. `Umar (may Allah be pleased with him) said about Waqf (endowment):

"There is no blame on he who becomes a guardian of Waqf to take from it reasonably or to feed a friend without heaping up money." May Allah support you in carrying out the bequest according to the rules of Shari`ah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4698

Q: My deceased father, Sa`d ibn `Abdul-`Aziz ibn Dayil (may Allah be merciful with him), bequeathed one-third of his property to be used for buying a shop. The revenue of this Waqf (endowment) would be used to perform Hajj (pilgrimage) on his behalf and offer an Ud-hiyah (sacrificial animal offered by non-pilgrims) also on his behalf, as well as Hajj on behalf of his mother and father. My father did not mention anything that shows the repetition of Hajj for his parents, so if we want to perform it more than once on their behalf, it would be all right. Please advise, may Allah reward you!

A: You should perform Hajj on behalf of your father every year, and only once on behalf of your grandparents. Since your father did not mention what indicates repetition of Hajj for his parents, then it is enough to perform it once on behalf of each of them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (16844)

Q: Our father Sa`ud Muhammad ibn Jurays (may Allah be merciful with him) wrote a proxy and bequest document. The document states that one-third of his estate be spent on shrouding him and preparing his funeral in a manner equal to that of his peers. It also provides that the remainder of the third be spent on charitable purposes as beneficial to the poor and the needy as viewed proper by the executor. After his death, we counted the third to be his villa in Riyadh. In fact, he had asked that the third be the villa of Riyadh whose revenue is to be disposed of as provided by the bequest. This is what happened. We counted it as the third of the estate, to which no heir objected. Now however, some heirs are demanding a share of the revenue on the pretext of being poor.

1- Is it permissible to divide the revenue, wholly or partially, while still abiding by the bequest?

2- Should we give those deserving and those non-deserving. Actually, some heirs own a villa, others own nothing living in a leased home and receive no salary and others receive a salary and have their own dwelling.

3- As for the executor, he appointed a Qur'an teacher in one of Al-Shifa' Masjids where more than one third of the villa's revenue is spent, while the remainder is spent on charitable purposes according to the bequest.

A: the remainder of the revenue after shrouding and preparing the funeral is to be spent on

charitable purposes according to the kinds provided by the bequest. Poor heirs should be given some of it for sustenance, while rich ones are entitled to no share of the revenue. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second and third questions of Fatwa No. (15923)

Q 2: is it permissible to give one quarter of the estate to someone who left no will in charity?

A: The whole estate of a dead person who left no will is that of the heirs after paying off debts, unless the heirs approve of spending a part of the estate on charitable purposes or some heirs of full age, unlimited in number, approve of giving a certain amount of their respective shares in charity.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 3: is it obligatory on a son, bequeathed by his dead father to be his deputy, to slaughter an Ud-hiyah (sacrificial animal offered by non-pilgrims) on behalf of the father in particular? Or, is it sufficient to slaughter an Ud-hiyah on behalf of the whole family in general?

A: If your father did not bequeath that an Ud-hiyah be slaughtered out of the third of his estate on his own behalf, you may voluntarily either slaughter an Ud-hiyah on his behalf in particular, or slaughter an Ud-hiyah on his behalf along with

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yourself and your family. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 14813

Q: Does the following will include the movable property and others or not? It states the following:

Praise be to Allah Alone. Peace and blessings be upon the one after whom there is no Prophet (Prophet Muhammad). Having testified that there is no deity except Allah, and that Muhammad is His Servant and Messenger who was sent with guidance and the religion of truth that it may prevail over all religions even if the polytheists detest it. I, the undersigned `Aly ibn Ahmad ibn `Abdullah Al-Khalifah, at my discretion and being mentally and physically sound, make the following will. I hereby request the distribution of one-third of my property after my death as outlined: Ahmad ibn `Abdul-`Aziz and his sister Jilyanah, the two children of my daughter Lulla, should each receive ten thousand Bahraini dinars.

Fatimah and `Aishah, the daughters of my daughter Zubaydah and of Yusuf Saqr Al-Khalifah, should each receive ten thousand Bahraini dinars. Another ten thousand Bahraini dinars is to go to Qasim Muhammad Khalifah. The remaining amount is to be spent on purchasing real state in Bahrain whose revenues should go to

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the elderly and the disabled. It will be the responsibility of the trustee of the said real estate to maintain it as necessary. I hereto set my hand and empower the persons who act as witnesses, and as Allah is sufficient as a Witness. (Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allâh is All-Hearer, All-Knower.) **Written in 30 Muharam, 1404 AH.**

A: Having discussed the will, the Permanent Committee for Scholarly Research and Ifta' in the Kingdom of Saudi Arabia replied as follows: It is mandatory to set aside one-third of the entire estate of the said person including his real estate, cash, etc., after having repaid all his debts. The specified shares set in the will should be given from this one-third to Ahmad ibn `Abdul-`Aziz and his sister Jilyanh, the two children of his daughter Lulla and the other children. The remaining amount should be used to purchase real estate which will represent a Waqf (endowment) in the name of `Ali. The revenues of the Waqf should be spent for maintenance purposes, if required, and on helping the elderly and the disabled. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 14623

Q 2: my father (may Allah be merciful with him) used to slaughter a cow every year during the month of Ramadan and distribute its meat to the poor in our village. Now, the people of the village

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are no longer in need of this meat. Is it permissible to distribute the value of a cow to the poor? Peace, blessings, and mercy of Allah be with you!

A: If your father bequeathed the offering of a cow every year to be distributed to the poor, and now the people of your village are no longer in need of meat, you should distribute its meat to the poor of the nearest village. If your father did not bequeath this and you just offer it as Sadaqah (voluntary charity), it is permissible for you to replace it (the sacrifice) with anything else that will be useful to the poor, such as money and so on. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12784

Q: According to the copy of the will attached to this letter, the testator (may Allah be merciful to him) divided his estate into three parts; two-thirds for the inheritors and one-third for himself after his death. As his share includes a trading organization, shares in the electric company, a building, and some cash, according to the attached statement, he said that an Ud-hiyah (sacrificial animal offered by non-pilgrims) should be slaughtered for him from his one-third,

and that Sadaqah (voluntary charity) should be distributed, and he determined the ways it should be done and who should do it. What he bequeathed does not exceed

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400,000 Riyals and the annual income from his third is around 4,000,000 Riyals. He mentioned in his will that his older sons, relatives, and friends should establish a body to discuss how the excess income from the building rent, proceeds from the heirs' shares, the building included in his one-third share, and his joint-stock company, can be increased through transactions in which there is no trace of the Haram (prohibited) Riba (usury/interest). This was the only reference to the income from his third.

The inheritors include nine minors, and the Ministry of Commerce regulations prevent the registration of organizations or shares in the name of a deceased person. The inheritors therefore agreed to allocate a specific sum of money from the third every year for building maintenance, and then pay the money that the deceased ordered to be spent and add to that an almost equal sum which should be given away as Sadaqah. Another amount will be allocated as a reserve for the following year and the rest will be distributed to the heirs as their lawful inheritance. What is your opinion on our agreement; is it permissible? Please advise us and may Allah reward you with the best!

The will also includes the following statement: "I also bequeath that 100,000 Saudi Riyals and 50 Qatmah of rice (one Qatmah = 10 kg.) should be given every Ramadan as Sadaqah on behalf of me, my father, mother, grandmother,

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their forefathers, my children, and my wives. They should be distributed among the poor, used to maintain Masjids (mosques), and on what benefits the dead. This should be done under the supervision of Shaykh 'Abdullah ibn Sayf, his son 'Abdul-Rahman after him, and then whomever he sees or the heirs see fit from the righteous. In addition to that, 30,000 Riyals should be given annually during Ramadan to relatives and needy friends, supervised by the heirs.

10,000 Riyals should be given every Ramadan in the name of a benefactor to the Charitable Committees in Makkah, Madinah, Riyadh, Dammam, and Baridah. Each committee should receive 10,000 Riyals and so the total will be 50,000 Riyals. Five good Ud-hiyahs should be bought annually; one in my name, the second in the name of my father, 'Abdul-'Aziz ibn 'Abdullah ibn 'Uthman and his mother, the third in the name of my

mother, Mawda bint 'Aly Al-Dumar, and her parents, the fourth in the name of my grandmother Haya' bint Talab and her parents, and the fifth in the name of my children, wives, and their parents. All these expenditures should be paid on time from my account in the Najd Commercial Corporation, under the supervision of its manager. I make my inheritors responsible before Allah for violating this will."

A: After the Permanent Committee had reviewed your question and the copy of your father's will that was attached to your letter, the committee decided that after distribution to the specified recipients of your father's one-third, it is obligatory that the rest of the one-third income should be spent in charity and good deeds, such as maintaining Masjids,

supporting the Mujahidun (ones striving/fighting in the Cause of Allah), helping needy relatives and others, and like matters. It should be noted that repairing the bequeathed building claims priority. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1544

Q: The property of my father was divided among my sisters in 1373 A.H. Each one got a portion of seven Qirats (1 Qirat = 175 m2). One of them made a vow to give her share to my children and willed that two cows were to be slaughtered and their meat was to be distributed among the poor and the needy after her death. She repeated her vow and will frequently until she passed away in 1394 A.H. Please guide me concerning the vow and the permissibility of the will.

A: As for her vowing to give her share of inheritance from her father to your children, this can be proved through the judge of the town where the property is located. As for her will concerning offering two cows to distribute their meat over the poor and needy after her death, her will has to be implemented following her death.

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This is in case the will was proved by the Shari`ah evidence, and the value of the two cows do not exceed one-third of her money. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 669

Q: The questioner's maternal grandfather `Abdul-Jabbar ibn `Abdul-Rahman ibn `Abdul-Jabbar had a will the text thereof included: And he willed roughly one third of his estate seeking the reward from Allah to be spent regularly on five sacrifices; two on his own behalf, two on behalf of his parents, and one on behalf of his son `Abdullah and his siblings; a yearly Hajj on his behalf, and freeing a slave every year on his behalf... He mentioned that the attorney for this one third of his estate should be the person qualified amongst the children of his two daughters. The will is dated in 04/01/1346 A. H. However, as your Eminence knows; no slaves are available nowadays due to a ban on slavery. Besides, the remaining value of the bequeathed one third during last year is roughly about two thousand riyal. Since the legatees are amongst the inheritors and I am the closest inheritor to the testator, I am - the son of the testator's daughter - the attorney.

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A: This case in which the testator willed that a salve should be freed, the questioner has about two thousand riyal of the bequeathed money, and slavery is banned is similar to a question that has been asked to the deceased Eminent Mufti Shaykh Muhammad ibn Ibrahim (may Allah be merciful with him). The Committee has read the answer under the number 1/889 and dated in 05/04/1389 A. H. and decided that it is sufficient for answering the current question. Following is the wording of the answer: You have to implement all that your grandfather willed out of the revenue of the mentioned property. However, because today you can not buy slaves and you do not expect that you will be able to do so in the future; the value of such slaves should be spent on similar charitable ways of disposition as are mentioned by scholars. It is worth mentioning that when Allah (Exalted be He) knows about the sincerity of his servant and their truthful intention to implement their duties, He rewards them for their intention even if they are not able to carry out the exact duties. Moreover, Allah compensates them with other available alternatives. He (Exalted be He) says: ﴾But he has not attempted to pass on the path that is steep (i.e. the path which will lead to goodness and success).﴿ ﴾And what will make you know the path that is steep?﴿ ﴾(It is) freeing a neck (slave)﴿ ﴾Or giving food in a day of hunger (famine),﴿ ﴾To an orphan near of kin.﴿ ﴾Or to a Miskîn (poor) cleaving to dust (out of misery).﴿

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Allah (Exalted be He) thus joined giving food to an orphan near of kin and to the Miskin cleaving to dust with freeing a slave. This is an indication of the importance and great reward of such deeds. There are some other Ayahs (Qur'anic verses) and Hadiths to the same effect. Accordingly, you have to give the value of the slave as Sadaqah (voluntary charity) for the poorest amongst the kin of the testator amongst whom the orphans and the indebted have to be given priority. It is Haram (prohibited) to give of this Sadaqah to any non-deserving person. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 34

After studying the Fatwa request and the will, the Committee found that the inquirer is asking about the following: His deceased father had five minor children; three sons and two daughters. The total of their shares in the inheritance was 131,250 riyals represented in

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a land in Riyadh. One-third of the father's property was dedicated as Waqf (endowment) and put in a store in Riyadh, which is rented for 13,000 riyals. Is it permissible to spend the leftover rent on the needs of the minor children or distribute it among the minor and adult ones according to the legal share of each? After reviewing the attached copy of the will, which was endorsed by the judge of Al-Artawiyyah and dated in 26/11/1373 AH, we found this statement: If any of the children is in need, then spending the profit of the Waqf on their sustenance takes precedence over spending it on the Ud-hiyah (sacrificial animal offered by non-pilgrims).

A: After studying the Fatwa request and the above-mentioned statement in the copy of the will, the Committee answered: Since the testator said, "If any of the children is in need, then spending the profit of the Waqf on their sustenance takes precedence over spending it on the Ud-hiyah", therefore if any of the children, whether old or young, male or female, needs money, they can take what meets their needs from the profit of the Waqf, even if this means spending the whole profit on this purpose. The most important need is to take priority, then the less important and so on. Whenever the need is fulfilled, one is no longer entitled to receive the profit. It is worth mentioning that repairing the store, in case it needs repair, takes the highest priority. The agreement was concluded accordingly.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 8717

Q: my father died and I would like to give Sadaqah (voluntary charity) for him during my lifetime. Your Eminence, would you please inform me in which month I should offer this Sadaqah. Is it permissible to offer Sadaqah for a deceased person in any of the cities of the Kingdom of Saudi Arabia or should it be offered in the city where he died? It should be noted that I live in Makkah Al-Mukarramah and the deceased used to live in the Southern region. Please, enlighten us in this regard.

A: First, if your father left behind a legal will, you should execute it within the one third of his legacy after settling any debts. If you are of age and offer Sadaqah for him from your own money, this is a good thing and is considered an act of filial piety, for which you will be rewarded and it will also benefit the deceased by means of Allah's Grace and Bestowal. **Second,** you should offer the Sadaqah from your best and most precious possessions, and distribute it among the poor in needy countries. If this takes place in Ramadan, it would be better.

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Inheritance

The first question of Fatwa no. 9096

Q 1: a man died and left behind a lot of money for his children. The deceased is also indebted to someone. Could you please provide us with an ayah (Qur'anic Verse) or a Hadith indicating that the inheritors can distribute the inheritance and then settle his debt?

A: If the deceased person is indebted, it is obligatory upon the inheritors to settle his debts first and then execute his legal will if he made one. Afterwards, they should distribute his legacy to the inheritors acting upon the saying of Allah (Exalted be He): (Allâh commands you as regards your children's (inheritance): to the male, a portion equal to that of two females) to His saying: (after the payment of legacies he may have bequeathed or debts.) Then Allah says: (In that which your wives leave, your share is a half if they have no child) to His saying: (after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allâh; and Allâh is Ever All-Knowing, Most-Forbearing.) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 9341

Q 1: I am a fourteen-year-old young man and my father died ten years ago. He borrowed 40 Arabian Riyals from an old woman who is now dead. He died before he could repay this debt. There is a man in our village who always dreams of my father saying to him that if his family truly wishes Allah (Exalted be He) to forgive him, they have to repay his debt. how could this debt be repaid when both the creditor and the debtor are dead? How can I calculate the value of the forty Arabian Riyals in Saudi riyals?

A: If your father is proved to have died without repaying the debt, you have to repay it on his behalf from the estate which is yet to be distributed to the inheritors. If it has been distributed, each of the inheritors has to deduct a sum of money in proportion to the shares they have received. The debt has to be paid to the inheritors of the old woman. If there is no one to inherit her or if you do not know them, the money should be given away in charity to the poor. You are required to change the value of these forty Riyals in banknotes before distribution. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa No. (2510)

Q: is it permissible for a son who settled his deceased father's 30,000 riyal debt, as the father had little money, to take the amount he paid to settle the debt before dividing the estate among heirs who demand their shares?

A: If it is proven that you settled your father's debt after his death out of your own money, you will be entitled to take it back out of the estate before dividing it among the heirs. If the heirs refuse to pay it back to you, it will be a case of dispute among heirs which is to be brought before Shar`y (Islamic legal) courts. Therefore, you may demand your right through legal proceeding if you so wish. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa No. (5421)

Q: I am the paternal uncle of a person who, as destined by Allah, died in a car accident in Al-Ahsa' leaving behind sons and daughters. The oldest

of his underage children was born in 1388 A.H. He left behind no property and was heavily indebted. His heirs are eight children, a mother and two wives. Being the grandfather of his children, I became their guardian. The State gave us a sum of money as he worked as a first class soldier under the presidency of the National Guard. I am really confused regarding such a compensation; should I give it to the creditors or to the heirs? Please, give me a fatwa to abide thereby.

A: Paying off debts, out of this sum of money given by the National Guard in return for fulfilling work duties, vacations and rewards, is given priority over giving heirs their shares thereof. However, if there remains anything of this compensation after settling the debts, it should be divided among the heirs according to each respective Shar`y (Islamic legal) share. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa No. (11999)

Q: To Your Eminence we submit the fatwa request regarding the fact that the heirs of the deceased Ibrahim Sa`d Al-Musaylikh are underage. Moreover, we obtained a primarily sum of money as retirement rights before obtaining

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the monthly retirement pension. Is it permissible for us to pay such a sum of money in settling the deceased's debts or to underage heirs, bearing in mind that such heirs live in their father's house since 1404 A.H. We hope that you examine our case and issue a fatwa and advice in this regard. May Allah safeguard you!

A: settling debts is given priority over heir's shares. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 13052

Q 1: My father took a loan from the Real Estate Development Fund to build a house, but he died before repaying this loan. Will this loan remain as a liability on my father till it is repaid, or is he considered to be cleared from the debt by his death?

Q 2: If my father is cleared from this loan by his death, will the debt be transferred to the liability of his heirs?

Q 3: The installments continued to accumulate till they reached 22,000 Riyals, and they have not yet been paid by the heirs and the government has not exempted the heirs from repaying these installments. It is important to mention that

the government demands that I pay the delayed installments as I am one of the inheritors. It should also be noted that I have an elder brother but he is not willing to participate in repaying them, while the rest of my brothers are still under-age.

Please, give me a detailed answer to the first, second and third questions, then provide me with the proper solution and what should be done regarding this loan and regarding the heirs. May Allah reward you best!

A: If the case is as mentioned, the debts should be paid from the estate or else the loan is to be transferred to the liability of whoever is able to pay it among the heirs. Those who will be responsible for settling this loan shall later take the money they paid from the estate. However, if no one agrees to do so, the loan should be repaid from the estate itself even by selling the house, the subject matter of this Fatwa, which was constructed through the bank and is mortgaged to the bank until the payment of the debt. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 16225

Q: A person died leaving behind a wife and some children. He owes more than 100,000 Riyal to someone. Before he died, he gave his daughters some gifts. Should the gifts be used in settling his debt or should they be left for the children? It should be noted that the children do not have enough income to live. In fact, benevolent people, may Allah reward them, spend on them. They also live in a leased flat. We would like Your Eminence

to explain to us whether we should settle the debts from the gifts given to the children. It should be noted that the value of the gifts is around 60,000 Riyal and does not cover the whole debt. May Allah reward you best!

A: settling the debt of a legator takes precedence over distributing the legacy among the heirs. Therefore, it is obligatory to settle the deceased's debt at first. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17171

Q: Before his death my father borrowed 3,000 Kuwaiti dinars and willed that this debt be repaid. Given that I am his executer, should I repay the debt from the estate before distributing it to the heirs, or from one-third of it?

A: The debt which is due on the deceased should be repaid before dividing the inheritance, for repaying the debts of a legator takes precedence over giving his heirs their shares of inheritance, if the debt was proved by legal evidence or by the confession of the inheritors who are Mukallaf (people meeting the conditions to be held legally accountable for their actions).

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The six question of Fatwa no. 6290

Q 6: There is a suspicious matter aroused by the enemies of Allah. They say: "Religion wrongs women." when one dies and leaves behind a father, a mother, a wife and children, the wife receives half of the property and the father receives the rest even though he does not support the family. Why does the wife receive half of the property and why does she not receive the rest like the father?

A: Certain things should be done before distributing the inheritance among the heirs. The debts of the deceased should be repaid before distributing the inheritance as well as executing his legal bequest if he made one. Then, the rest of inheritance should be distributed among the heirs. In this case, it will be divided into twenty-four shares. The wife receives one-eighth of the property, due to the existence of an heir descendant, which will be three shares. The father receives one-sixth of the property which will be four shares. The mother also receives four shares which is one-sixth of the property. The rest of the inheritance, which is thirteen shares, will be divided among his children; the share of a male will be twice the share of a female. The wife will not be wronged, neither will the father, the mother nor the children. This division is according to Allah's wisdom and Justice.

There is also evidence for this in the Qur'an and Sunnah and the Ijma` (consensus of scholars). Allah (Exalted be He) says: ﴿Allâh commands you as regards your children's (inheritance): to the male, a portion equal to that of two females﴾ to His saying: ﴿And whosoever disobeys Allâh and His Messenger (Muhammad صلى الله عليه وسلم), and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment.﴾ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4724

Q: A man died leaving a furnished house, including the bedroom. Does the bedroom with all its accessories belong to his widow or it should be shared among the heirs? The widow had lent the deceased some of her gold to help him complete a project. Should the value of this be taken from the estate and repaid to the widow or not? The orphans' guardian lives in Riyadh, but the children and their mother live in Amman. As it would cost a lot to move them from Amman to Riyadh, is it permissible to transfer the children's guardianship to Amman to be nearer to them? Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar) on this and may Allah reward you with the best!

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A: the contents of the bedroom and anything else that belongs to the widow has nothing to do with the inheritance; as all of these are among the things belonging to the wife. If it is confirmed that the deceased had taken the loan, it is a debt owing by him that should be settled from the estate like any other debt. As for transferring the children's guardianship from Riyadh to Amman, this matter is under the jurisdiction of the Islamic Law Courts. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 6979

Q 2: A client of mine, Dr. Muhammad Tariq Mahmud, has received 100,000 Riyals as Diyah (blood money) from the driver who caused the accident that killed his son. The question now is: does the widow of the deceased have a right to a share in this money?

A: If his widow is a free Muslim woman, she inherits from his Diyah as well as from the rest of his property. Bear in mind that the distribution of the inheritance comes after repaying any debts the deceased may have incurred and the execution of his Shar'y (Islamic) will if he made one.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 11102

Q: My father was a merchant and he died in 1970, and left three million dirhams. I took over his trade in this sum of money. I had a married sister, two unmarried sisters and a brother who were under my guardianship until they became of age and married. I had to distribute the inheritance of our father between us, but no one told me this at that time. I am still running the trade, given that I am still the one who controls the money.

I would like to ask Your Eminence about the following: how should the estate be distributed? Should we distribute the remaining amount of money or the existing amount? If the distribution is to be for the existing amount, what are my fees in return for the years I have been working in that business?

Please advise in writing concerning this issue that has disturbed me. May Allah guide you to all goodness, and may you live long.

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A: If you concede your right and distribute the original profit between you and the heirs, it will be better, and you will be rewarded by Allah (Exalted be He). If not, there is no harm in making an agreement between you and the heirs. If this is not possible, and the heirs include minors, you should refer the matter to the court; it will pass the right judgment In sha'a Allah (if Allah wills). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 3176

Q: Kindly be informed that I agreed to pay sixty thousand Riyals (60,000) as Mahr (mandatory gift to a bride from her groom), of which I presented eighteen thousand riyals upon contracting the marriage. my wife died leaving a daughter, and now her father demands that I pay the rest of mahr. Please give your Fatwa (legal opinion issued by a qualified muslim scholar) regarding my father-in-law's demand, bearing in mind that he received the advance amount of mahr I paid. May Allah reward you with the best of this world and the Hereafter!

A: You are obliged to pay the deferred amount of the Mahr of your late wife. It is considered as her property which is to be transferred to her heirs. You are entitled to receive your share of that amount as your inheritance. It should be mentioned that repaying your wife's debts and executing her

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legal will, if any, takes precedence over giving the heirs their shares of the inheritance. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 14695

Q 1: a woman was killed and her family accepted the Diyah (blood money). Can her husband inherit from this Diyah? We appreciate your guidance. May Allah guide you!

A: The husband inherits from all that his wife left behind whether it is money or Diyah (blood money) or anything else. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 19664

Q: It is our custom in northern Nigeria that people pay some money to the deceased's family while offering condolences. Is it permissible to count this money as part of the inheritance to be distributed between the inheritors?

A: This money belongs to the deceased's relatives to whom it was gifted.

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As for the deceased, it is not permissible to give him a gift except if you give charity on his behalf and dedicate the reward to him. However, giving frequent gifts to the deceased's family when offering condolences is an act of Bid`ah (innovation in religion) and does not have any religious origin. It also embarrasses the people who offer condolences. It is recommended to prepare food for them and if the deceased's family are poor, it is desirable to give them charity which will fulfill their needs. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 17253

Q: Your Eminence, my mother, Hayaa bint muhammad, died and left behind muhammad, Turky and Turfah, the children of Zayd. muhammad and Turky died and Turfah is still alive. Hayaa left behind a building rented for 8,000 Riyals. Do the children of muhammad and Turky have shares in this sum of money or should it be left for Turfah to spend it on the deserving inheritors? Peace and mercy of Allah be with you!

A: Hayaa's estate should go to her legal inheritors after repaying her debts and executing her will. Each inheritor should take his share of inheritance. If any of her inheritors die, their share should go to their inheritors. It is only permissible for you to use

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your share of the inheritance of the house your mother Hayaa left behind. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 6599

Q: There is a tribe that promotes solidarity among its members. If a disaster befalls one of them - Allah forbid! - and the involved person becomes obligated to pay compensation, they all pay what is called Al-Qaram, where the members of the tribe all bear the cost equally. However, if a member of this tribe dies in a car accident or anything similar, the Diyah (blood money) is distributed among their heirs. Are the other members of the tribe, other than the heirs, entitled to a share in inheritance or Diyah?

A: After settling any debts and executing any Shar'y (Islamic) will, the wealth left by a deceased person and Diyah paid due to their death should only be distributed among their heirs. It should be divided among them as specified by Allah (Exalted be He) in His Book and by the Prophet (peace be upon him). no other member of the tribe is entitled to a share or should take anything of the share of one of them.

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Fatwa no. 4912

In our village which is called (Darramah) Banu Bishr Qahtan Al-Janub, people used to distribute blood money as follows:

1- One third for the heirs.

2- One third for the relatives.

3- The last third is for the fund of the whole group.

Is it permissible to do this?

A: distributing blood money as it was mentioned in the question is not permissible. It should be distributed among the heirs of the murdered person exactly like inheritance. This should be done after repaying his debts and executing his bequest if he made one. If heirs willingly waive parts of their rights to the relatives or to the fund after the repayment of debts and carrying out of the bequest, it will be recommended as this is a righteous deed. Only sane, adult people can waive their rights. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fourth question of Fatwa no. 17705

Q 4: a wife borrowed a sum of money from her husband and he stipulated that she has to repay it, but he died before settling the debt. What should she do?

A: She has to repay the sum she borrowed from her husband to his heirs to be distributed along with the inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fifth question of Fatwa no. 4990

Q 5: if a person dies, is it permissible to give, in Sadaqah (voluntary charity), to the poor from their money before dividing it among the inheritors and without taking their permission?

A: This is not permissible, because it is a kind of disposing of the money of others without their permission. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first and second questions of Fatwa no. 6009

Q 1 and 2: A person died and left behind a lot of money. He also left behind eight sons; one of them is a half-brother who has eight sisters. His brothers wronged him saying that they will divide the inheritance into two parts: the largest part of the inheritance will be distributed among the men only and the smaller among both men and women. What is the ruling on doing this?

They say that they will agree with him on this matter. Is such an agreement valid, even though he is no doubt unwilling to accept it?

A 1 and 2: the estate has to be distributed between the inheritors only, after settling any debts of the deceased, then his will should be executed. If the eight brothers are the deceased's sons and he does not have other heirs, his property has to be distributed equally among his sons. If he had sons and daughters, a male should have a portion double to that of a female. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 12389

Q: my mother (may Allah be merciful with her) died on 06/05/1409 A. H. in `Asir hospital. She had given me a sum of thirteen thousand riyals before she died. She had requested me to build a Masjid (mosque) with that money on her behalf and she had mentioned that if the Masjid costs more, she would give me the balance. Is it thus permissible to take some money out of the rest of the inheritance with which this Masjid can be completed or should I myself pay for this extra cost without taking anything from my mother's inheritance?

My mother left four married sons including myself, four married daughters, furniture, some tools, a herd of twenty sheep, and a sum of five thousand riyals or less. Moreover, debts of about four thousand riyals were owed to my mother, she was not indebted of anything, and she did not bequeath anything. Besides, one of her sons owes her a sum of eight thousand riyals and another owes her a sum of two thousand riyals.

I am the elder son and I would like to be good to my mother and do something that she will be availed of its reward such as voluntary Sawm (Fast), voluntary Salah (Prayer), or a Sadaqah (voluntary charity). Please tell me what are the charitable ways of disposition in which their reward can reach my mother? Also, is it permissible for me to make Du`a' (supplication) for my deceased mother, my father, my grandparents, and all Muslims that Allah may forgive them and be merciful with them or any other Du`a' of

goodness?

On the other hand, is it permissible that we collect all my mother's inheritance including all the debts owed to her, the sheep, along with the furniture and divide this amongst her children and her husband (our father) before we build the Masjid? Or do we have to collect the inheritance, build the Masjid, and then distribute what remains amongst the inheritors? Should we request from her children to pay the debts they owe her or should we waive this? In addition, what should we do if one of my siblings refuses to receive their portions of my mother's inheritance bearing in mind that some of them declared that they will do so.

A: Firstly: You are not allowed to dispose of the thirteen thousand riyal sum unless you take permission from the inheritors of legal age. If they do not give permission, the sum mentioned above has to be considered part of the estate. However, in case such a sum was registered (as being bequeathed for building the Masjid); the will has to be implemented. In such a case any extra money needed for building the Masjid should be taken from your mother's estate provided that such extra money does not exceed one third of the estate unless more than one third is permitted by the inheritors of legal age. **Secondly:** Bearing in mind what has been mentioned above, all the remaining possessions and debts should be divided amongst the inheritors according to the Shar` (law) of Allah (Exalted be He). Moreover, it is Mustahab (desirable) that you and your siblings make Du`a' (supplication) for your mother, give Sadaqah and perform `Umrah (lesser Hajj) on her behalf.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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(Part No. 16; Page No. 440)

Fatwa no. 12550

Q: A man died eight years ago, leaving an estate that included buildings, residential lands, shops, cars, etc. The estate has not yet been distributed. One of the heirs has invested in the estate by trading in the shops, and has spent money from it on himself and his family. He has also paid the Mahr (mandatory gift to a bride from her groom) for his marriage from the estate. The questions now are:

1. has Zakah been due upon the estate for these eight years? If the answer is yes, should we pay the Zakah for all the past years or is it enough to pay it just for one year? Is there any Zakah to pay on the houses and residential lands?

2. What is the ruling on the money used to pay for Mahr and supporting a family, etc.?

3. What is the ruling on delaying the distribution of an estate among the heirs?

We would like to receive your Fatwa and may Allah reward you with the best!

A: Firstly, it is obligatory on each heir to pay the Zakah on their share of inheritance, because when a person dies, the ownership of their property is transferred to their heirs if it is money. If the inheritance consists of real estate and one of the heirs has the intention to trade in it, then it is obligatory to pay the Zakah on this real estate one year after the death of the deceased. If the real estate is intended for renting, then it is obligatory to pay Zakah on the rent collected, if the money reaches the Nisab (the minimum amount on which Zakah is due) -

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alone or when combined with other wealth that is owned and upon which Zakah is due - one year after signing the lease. **Secondly,** any money spent by an heir from an estate before the portioning out of it will be deducted from their share of the inheritance. **Thirdly,** the division of an estate should not be delayed, for this will delay the heirs from being able to take their financial rights and hinder them from paying the Zakah, as every heir will protest that they have not received their share nor know how much it is. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question Fatwa no. 11835

Q 1: My paternal grandmother had 700 Riyals. My father collected this sum of money after the death of her mother and said that he will distribute it to the poor and the needy. He decided to have a meeting with his brothers and consult them in this regard. If they do not agree to his suggestion, what should he do? It is worth mentioning that my father is the youngest of his three brothers.

A: the money which your grandmother left behind should be distributed to the heirs after

settling her debts and executing her will if there is any. If all the heirs or some of them give up their shares in the inheritance and they are adult, it should be given to whoever they gave it to. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8686

Q: Two years ago, my wife's maternal grandfather's wife died. As she had no children, half of her estate went to her husband (my wife's grandfather) and the other half to her brothers and sisters. When my wife and her aunt were collecting her possessions together, before they were to be divided, my wife's aunt took some items, including clothes, small items of furniture, some cups and plates, two gold bracelets, and a gold ring. She tried to convince my wife to take something, but she refused as she believed this was Haram (prohibited).

However, the aunt forced my wife to take eleven gold bracelets and 26 Egyptian Pounds. When my wife resisted, the aunt said, "This is the property of my father and mother, who died before my stepmother." When I found out about this, I did not spend the money or sell the gold; instead I asked a jeweler to value the bracelets. They were valued at 120 Pounds, and I still have them now. Please advise me whether what we did was Halal (lawful) or not as my wife's mother

is entitled to inherit from my wife's grandfather wealth. She looks after him now, as he is still alive, and I have been taking care of his business for free.

If we are not entitled to this money, how can we dispose of it? Should we give half of it to the grandfather and donate the other half to building a Masjid (mosque) or to the poor on behalf of the deceased? I have asked some scholars about this, and they replied that the deceased's share should go to her heirs. How can I deliver this property to the heirs, as there are many and I cannot deliver it to them? Please advise me and may Allah bless you and benefit the Muslims with your knowledge!

A: If the reality is as you have mentioned, it is obligatory that you should hand back to the heirs of the deceased whatever your wife and her aunt took, as far as it lies in your power. If the heirs let you keep it, provided they are legally competent to dispose of their property, you can possess it and it will be Halal for you to do with it as you wish. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The first and second questions of Fatwa no. 9305

Q 1 and 2: my brother died in an accident while crossing the street (may Allah be merciful with him). We received his Diyah (blood money) from the doer, which was

one hundred thousand Saudi riyals through the Grand Court. My dead brother owed me seven thousand riyals; is it permissible to take this sum of money from the Diyah? Please advise.

How can we distribute the Diyah among the heirs, who are our mother, four adult brothers, and three adult sisters? Also how can we distribute it after deducting the seven thousand riyals? Please advise.

A: If the reality is as you have mentioned, the deceased's debt should be paid off and his Shar`y (Islamically lawful) will should be executed - if he has a debt and a will - before distributing the Diyah. After this, his mother should be given one-sixth of the money and the remainder should be distributed among his seven brothers and sisters, bearing in mind that the male takes double the share of the female. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9508

Q: My mother (may Allah be merciful with her) gave me around 5,000 LE to invest for her, but she died on 2/8/1983 A.D. I have spent around 2,000 LE on her funeral ceremony and Sadaqah (voluntary charity) on her behalf for the sake of Allah (Exalted be He).

Therefore, the sum in my possession which belongs to all heirs was 3,000 LE, and it remained with me for a whole year till 12/7/1984 A.D. This sum of money was put in an investment project and yielded a profit of 545 LE.

After that, I distributed 3,000 LE to the heirs, but I did not distribute the profit which was 545 LE as I thought to distribute it to the poor. However, I have not done this up till now. All the heirs know this well. One of my sisters came and gave me a sum of 200 LE to distribute it for the sake of Allah (Exalted be He), or as a donation to a Masjid (mosque) on behalf of our mother, but I kept the money and did not spend it on the intended purpose.

My share in my mother's estate was 300 LE, and the Zakah on me for one full year from 1983 to 1984 A.D. was 1100 LE, but I did not pay it. I also intended to pay a sum of 611 LE as Sadaqah to the poor on behalf of my mother, but I did not. One of my relatives gave me 40 LE to spend as Sadaqah for the sake of Allah (Exalted be He) on behalf of my mother also, but I did not pay it as well. Two days before my mother's death, she told me that she had to pay a sum of 80 LE as Zakah, and she asked me to pay this sum for her, but I did not. The purpose of not spending these sums was as follows:

I collected the mentioned sums

which were 545 + 200 + 300 +1100 + 611+ 40 + 80 with a grand total of 2,876 LE, then I put the money in an investment project in compliance with Islamic Shari`ah (Islamic law) in Egypt on 22/7/1984 A.D. I aimed at distributing the annual profit of this sum to the poor provided that the capital of this sum would be paid for the sake of Allah (Exalted be He). I authorized another Muslim brother to conduct this matter with me and I gave him the freedom to distribute the money to the poor in my absence. I aimed at increasing the capital through the donations of other Muslim brothers and Sadaqah or Zakah and this would result in increasing the profit and thus, increasing the number of poor receiving these donations. I had a good intention behind all that I did, in-sha'a Allah.

My question now is: Am I right in doing this and should I go on investing this sum, which is 2,876 LE and persist in increasing the capital through Muslim brothers by means of Sadaqah or Zakah that they pay, then distributing the profit to the poor provided that the capital would be for the sake of Allah (Exalted be He) in the end? Or should I distribute this sum to the poor and stop this project? I hope that Your Eminence would

provide me with a prompt reply by post, so I stop doing this if there is anything wrong.

A: First, offering funeral ceremonies for the dead is impermissible, so you have to repay

the money that you spent on the funeral ceremony to the heirs. **Second,** any permissible profits yielded from the invested money belong to the heirs, thus, it should be distributed to them unless they willingly give them up. **Third,** you should pay the due Zakah for the year 1983, and that of your mother to the entitled persons mentioned in the saying of Allah (Exalted be He): ﴾As-Sadaqât (here it means Zakât) are only for the Fuqarâ' (poor), and Al-Masâkin (the poor) and those employed to collect (the funds)﴿ The same goes for the rest of the Sadaqah; for none of this money should be invested; rather, it should be paid to them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9765

Q: Rif`ah bint Muhammad `Abdul `Aziz Al-Dusary died and left behind four sons: `Aydah, Sa`, `Ubayd, `Abdullah and five daughters: Fatimah, Quwayt, Badi`ah, Hamala and Hibah. Badi`ah and Hamala used to work with

the late mother Rif`ah who intended to give them some gifts from her property in return for their services. is it permissible to single out the sons to receive a portion of the wealth before distributing it?

A: After repaying any debts of the deceased mother and executing her will if there is any, the estate should be divided among the inheritors; each according to their prescribed share. None of the heirs should be singled out for a gift in return for serving their mother as serving her is part of the Islamic obligation to show kind treatment to one's parents; an act whose reward should be expected only from Allah (Exalted be He). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions.

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Fatwa no. 12552

Q: When I was around sixteen years old, I robbed my father's aunt of a sum of money. It was a long time before I came to realize that I had behaved unlawfully. When I decided to return the money to her and ask her to forgive me, I found that she had already died. As I feel bewildered, I am asking your opinion regarding what to do with this money. Do

I have to donate it on her behalf to a charitable foundation or just spend it in charitable ways of disposition? I want to absolve myself of the sin of theft. Do I have to make Kaffarah (expiation)? I feel deep regret after having realised the unlawfulness of this act. Would you kindly give me your reply.

A: You have to pay the money to the inheritors of your father's aunt. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12197

Q: My share in my inheritance from my father was a shop. I have recently taken possession of it. This shop was rented by someone years ago. Can I expel him from this shop after it becomes my property? If I do not have the right to expel him, can I get money from him in return for giving him this shop? Can I sell him this shop?

A: The real estate and other things your father left behind should go to his legal heirs after the payment of any debts and after carrying out his bequest. the heirs have the right to behave freely with regard to their inheritance by selling, renting or anything else they desire within the legal aspects of behavior.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa No. (13045)

Q 1: My father died while someone owed him 580 riyals. This person gave me 505 riyals and I waived the remaining 80 riyals. Am I entitled to waive this amount? What should I do, bearing in mind that the executor is my elder brother who paid off many debts due on my father? Am I to ask him to forgive me? Or, should the remainder be given to the heirs?

A: The liabilities other people owe your father are the right of his inheritors after paying off his debts and executing his Shar`y (Islamic legal) will. Therefore, it is invalid to waive the 80 riyals unless otherwise validated by heirs of full age as far as their respective shares are concerned. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (12881)

Q: the heirs are two men and a full sister. May we divide the estate among us on equal basis especially if it is the desire of the deceased and that this will take place with our consent?

A: If the reality is as you have mentioned, after paying off the deceased's debts and executing his will if there are any, the remainder may be yours, the male receiving a share equal to that of two females. However, it is permissible for a mature heir of full age to give up his or her share to another heir. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The third question of Fatwa No. (19810)

Q 3: my wife died leaving gold jewels. I collected the jewels and wish to sell them. I have already given part of the jewels in charity on her behalf. Is it permissible to give it in charity to myself being heavily indebted as a result of marriage and dwelling expenses? We had actually only lived together for twenty months (may Allah be merciful with her). Please, bear in mind that

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my wife's family gave up their share in gold, house or anything else, may Allah reward them good. Moreover, I am still young and in need of marrying again In sha'a-Allah (if Allah wills).

A: The wealth left by your wife including the gold is to be for her heirs, including yourself. If they give up their shares to you, you may dispose of it as you wish. Otherwise, you have to give them their shares. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19868

Q: My cousin lives in Riyadh. He made a list of the names of his relatives to donate flats to them as a gift in the same village where we live. My grandfather (may Allah be merciful with him) was among those people, but he passed away before the names were declared. When the names were finally declared, my grandfather's name was included on the list, and was exactly the same as my name.

I have completed issuing the deeds for the two pieces of land from the municipality, and I finished all the procedures and registered them in my name so the grant is not lost. I am a person who fears Allah (Exalted be He) and my grandfather left heirs. Would the two pieces of land be mine as

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the deeds are in my name? Or do the heirs have a right in them? Am I entitled to part of these two pieces of land? O Shaykh, I want to have lawful residence and food, in sha'a Allah. Could you kindly advise.

A: the land which you attained by the name of your grandfather will be the right of his heirs except if they give it up to you provided that they are of full legal capacity to do so. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 17906

Q: Both our parents died (may Allah be merciful with them) and left some real estates that provide us with a good annual income, all praise be to Allah! This income is distributed fairly among the lawful heirs - who include 11 people: 3 men and 8 women - according to the Law set by Allah (Exalted be He), dictating that the male receive twice the share of the female. All the heirs have decided to try to increase this income, which can only be done by carrying out some repairs on the inherited buildings.

As we do not have enough money, we asked someone to give us a loan and they agreed (may Allah reward them well). However, a difference of opinion has arisen among the heirs as to how this loan should be repaid. Should all of the heirs pay equal

shares, as this money is among the expenses and not the income from the inheritance, or should it follow the inheritance distribution and the men pay twice as much as the women?

As we have no knowledge about the rulings on this matter, we decided to ask you for a Fatwa (legal opinion issued by a qualified Muslim scholar) so we can show it to all the heirs and apply it.

A: Each of the heirs should pay of the loan in proportion to the inheritance portion that each receives, as long as every sane adult among them approved the taking of the loan. The minors' guardians should act on their behalf and repay their shares of the loan from their inheritance portion, if there is any available. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 15840

Q: My son was involved in an accident when he was three years old, which resulted in a severe trauma to his head and brain damage. He remained in a coma for six years, until he finally died when he was nine years old. We referred the case to the relevant authority and, after five years, it ended with reconciliation, provided they pay a certain amount of compensation. The court decided that the amount should be reserved for me in a joint account in my name in America under the trusteeship

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of the court, according to the system they follow there. After my son died, the money was transferred to the Kingdom of Saudi Arabia, with an additional amount that they say is the interest. After receiving the money, I kept the interest in a separate account away from the original sum.

My questions now are:

1. Does the original sum belong to me alone or does it fall under the ruling of inheritance? It is worth mentioning that I share my money with my brother. Is this money to be included in our joint property?

2. What should I do with the additional sum, should I add it to the original amount or give it away? If I should, what are its spending channels? I want to stress that I did not ask for the original money to be kept in an interest-bearing account. Please advise me and may Allah enlighten you and enlighten others through you!

A: Firstly: The money paid for your son's injury is considered as part of his inheritance and should be distributed among his lawful heirs. **Secondly:** the usurious interest that was added to the money while it was overseas is Riba (usury) that you must dispose of by spending it on charitable works. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 19411

Q 1: a father died, leaving behind money and sons, but the elder son did not distribute the money among his brothers and sisters, as he invested it in trade. after one year, he made a huge profit from the estate money, and wanted to distribute the money among his brothers. Should he distribute the money of the original estate, or all the money including the profit he earned after the father's death?

A: He has to distribute the inheritance along with the profit among the heirs. If they differed with regard to anything, they can refer the case to a legal court. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 1430

Q 1: My brother died (may Allah be merciful with him) and left a number of sons and daughters. Some of them are grown-up, others are underage orphans. Their financial status is quite good. Before he died, my brother built a Masjid (mosque) from straw but now it is ruined. I would like to rebuild it from the inheritors' money and the reward goes to my brother. Is it permissible to rebuild it from the shares of the underage orphans? I believe that if the underage orphans were grown-up, they would not mind rebuilding the Masjid.

A: The person asking this question mentioned that he wants to rebuild the Masjid,

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which his brother had built from straw, and he wants to rebuild it from the money of his dead brother's children; some of whom are underage orphans. It is not permissible to build the Masjid from the shares of minors. The underage orphans have not reached the legal age to give permission to use their money for this purpose. It is not permissible for their guardian to use their money except for a purpose that benefits them in this worldly life. Since they are underage, their worldly interest is given priority over their interest in the Hereafter. Adults are at a legal age that allows them to do so. If they agree, it is up to them as it is their share of inheritance. They have the full right to donate all their share of inheritance to rebuild the Masjid and intend its reward to go to their father or to share the reward with him. Since you, Gibril Mohamed, encourage doing good and want to donate from the underage orphans' money to rebuild the Masjid, you should spend some of your own money to rebuild the Masjid as Allah (Exalted be He) blessed you with wealth and Allah (Glorified and Exalted be He) does not let the deeds of good-doers to be lost. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 248

Q: a woman died and left a husband, three boys and a girl. The husband waived his share in the inheritance and also waived the share of

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his sons and daughter from the inheritance of their mother. He wants to know if he is permitted to waive the share of his children from the inheritance of their mother.

A: It appears that the children mentioned in the question are still young and are still under the guardianship of their father. Relinquishing their shares of the inheritance is a disposition of their rights. Disposing of their affairs is dependent upon the existence of the interest and benefit of the children. There will be no benefit in relinquishing their rights and it is not an example of a father possessing the property of his son because this relinquishment took place before they took possession of their shares. The father's possession of any part of the property of his son is permitted if the son does not need this property. Moreover, there is no doubt that minor children are in need of their property as there is no guarantee of the existence of a guardian in the future. It was mentioned in the book called Al-Muqni`: "The father is permitted to possess anything of the property of his son whether he is in need of that or not and whether his son is young or adult provided that the son is not in need of this object. He will not be permitted to dispose of it through selling, emancipation or remission of debts before he takes possession of it." Therefore, the relinquishment of their share in inheriting their mother is not valid.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

The second question of Fatwa no. 5177

Q 2: how can we distribute inherited buildings and movable property, such as cars, machinery, and the like, in the inheritors agree to the division or disagree? How can a rented store (the deceased used to rent it from its owner) be divided among the inheritors, if we act according to the saying that the lease contract becomes an asset of the property which passes to the inheritors, bearing in mind that the inheritors cannot acquire a common benefit from these properties?

A: These properties must be divided as prescribed in Shari`ah (Islamic law) by experienced people who should estimate their value. If the inheritors agree to the division and they are adult, this is all right. If they dispute about it, the matter is to be settled by the Shari`ah court. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 8441

Q 2: Years ago, my father died and left a large piece of land suitable for both agriculture and construction.

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He left three sons, my mother and two daughters, one of which is a half paternal sister. The title of this land has not yet been issued; however, there is proof that it belongs to us and I am following the procedures to have it issued. I am the executor of the estate and represent all the heirs. I am responsible before Allah for any mistake that I may commit regarding the rights of any one of them.

My question is: Should I give my sisters their due rights and leave the rights of my brothers and mother together? If this is permissible, can I buy the shares of my sisters to add to mine and to that of my brothers and mother? If all what I mentioned is not permissible, what do you recommend me to do? Now I am perplexed, for I farm the land and give my sisters nothing of its produce; they demand nothing either of the land or what it yields. However, I fear liability, for I was told that this is not permissible as it involves misappropriation of the rights of other heirs and neglecting to consider their shyness. Please enlighten me to what will benefit us in this life and in the Hereafter. May Allah reward you!

A 2: the land your father left, as well as what it yields, is the inheritance of all his heirs. Like other items of the estate, the land and its yield must be divided among the heirs from the moment the deceased passed away. There is no harm in buying your sisters' share of the land, even before dividing it, provided

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that their shares are clearly predefined. You must pay them their share of the rent from the land before buying their shares of the estate, unless they waive it. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fatwa No. (8768)

Q: I am an Egyptian working in Iraq. A few months ago, about eight months, after traveling to Iraq, the news of my wife's death came to me while I was abroad. before traveling, I had taken her gold and silver jewelry. Moreover, she left behind three daughters at our homeland, a 7-year-old girl, a five-year-old girl and a 3-year-old girl, and my elderly mother cares for them at home. Are her underage girls and I entitled to her jewelry after her death? Please, give us a fatwa.

A: If the reality is as you have mentioned, her jewelry and other property that she left are her estate deserved by her heirs. Thus, after paying off her debts and executing her Shar`y (Islamic legal) will if there are any,

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her estate is to be divided among her heirs each receiving their Shar`y respective shares. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa No. (8747)

Q: Subject: a father dividing his wealth among his heirs while still alive

1- Mother, 72 years old.

2- Sister, 36 years old, married.

3- First son, 34 years old, married.

4- Second son, 32 years old, married.

5- Third son, 30 years old, married.

6- Fourth son, 27 years old, married.

7- Fifth son, 24 years old, bachelor.

8- Sixth son, 18 years old, bachelor.

9- Seventh son, 16 years old, bachelor.

My mother died in 1975, and my father married another woman in 1980 who has given birth to no children until now. My married brothers urged our father to divide his wealth for fear that,

according to them, his wife will receive the largest share of the wealth after my father's death, something known only by Allah. They also claim that they cannot make good money within the borders of one family - you know family internal disputes each wanting to achieve the greatest possible gains while they are a member of the family. My father got confused regarding this, hoping to satisfy his children and to feel free from accountability before Allah (may He be Exalted and Glorified). This year, he had the opportunity. Having traveled to the Holy Lands, he entrusted me with such a task, i.e. to ask for your fatwa, may Allah make you the light of guidance, that you may tell him about that which will free him from accountability in this life.

A: We advise your father not to divide his wealth while still alive, for he may need it later. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Chairman
\`Abdullah ibn Qa\`ud	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

The first question of Fatwa No. (10706)

A: I am a really confused woman. A well-doer gave me 500 riyals as charity to give to my father. On giving them to my father, he, being very aged, asked me to keep them as a trust. My father then died

leaving the sum of money mentioned above in my possession. I have already invested it for the benefit of my father to give in charity and slaughter Ud-hiyahs (sacrificial animals offered by non-pilgrims) on his behalf out of it. Is it permissible for me to dedicate it to charitable purposes? Or, is it included under the estate of my father to be inherited? Answer me, may Allah reward you well!

A: First: The money left by a dead person is to be used, first of all, in settling his debts then in executing his Shar`y (Islamic legal) will if there are any, and the remainder is to be divided among heirs. **Second:** If all heirs approve of dedicating the estate to charitable purposes or giving it in charity to the poor, for example, it will be unobjectionable and they will even be rewarded for it. **Third:** Money he would receive from social insurance and annual gifts is to be known about from the authority that would pay him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 8817

Q 1: if a person dies and leaves one child and some money, could one of the relatives of the deceased save this money to prevent it being distributed for one year?

A: It is impermissible to prevent this money from being distributed unless there is a legal excuse.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The fourth question of Fatwa no. 3199

Q 4: my mother died and did not take her share of my father's inheritance because we had not yet distributed it. We spent the whole estate left by my father on maintaining a building that was also left by him. I did not spend this money on the building until I had taken the consent of all the inheritors as well as the competent judge. This building belongs to all the inheritors.

A: If your mother was indebted, her debt must be paid from her share of the inheritance and if she left a bequest, it should be executed to the limit of one-third of her property and the rest should be distributed to the heirs. His estate includes what she left and the property which she inherited from her husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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(Part No. 16; Page No. 466)

Fatwa no. 4748

Q: What is the ruling on the following:

A man gave each of his two sons a car during his lifetime, while they were still registered in his name. Are these cars only considered theirs after his death, or are the cars part of his estate? If they are considered belonging to the two sons, please advise whether it is permissible to buy a car for the second son, as his father had an accident with this car, and it is too damaged to drive; it can only be sold as scrap metal.

Should the furniture, dining room and bedroom be estimated and the right of minors be taken from it?

Is it permissible to give away his clothes and personal belongings, or should they be estimated and the right of the minors taken from them?

He had a library that contained two kinds of books: Waqf (endowment) and books that had been bought. His wife says that he used to say he is going to leave these books for his children; at other times she says that he used to say not to sell these books. Is this considered a will?

If not, what should I do with these books?

A: The two cars, furniture and clothes owned by the deceased

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are all considered part of his estate. All these items should be estimated and the rights of the minors taken from it. The books that are Waqf cannot be sold; otherwise, they are considered the same as the rest of the estate. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8307

Q: Five years ago, my maternal uncle together with his wife died in a car accident. They left behind two sons and two daughters of whom I was given custody. They are the only inheritors entitled to the property left behind. It is almost a year since my custody of the elder son and the two daughters ended. They asked me to be their guardian. The younger sister was married off by her elder brother. Now the elder brother desires to marry. The inheritance has not yet been divided among them. The property left by their father includes:

A house and a piece of land at the Saudi-Kuwaiti Neutral Zone near Saud Port, another house in the Saudi city of Al-Ta'if. However, the house and the land are located in the still undefined Saudi-Kuwaiti Neutral Zone. The house in this zone is rented for 1,000 Riyals a month and the other house in Ta'if is rented for 2,000 Riyals a month.

The father also left 100,000 Riyals in cash. The problem with the house and the land located at the Neutral Zone has delayed the distribution of the wealth.

I hope Your Eminence will direct me regarding the proper distribution of the wealth especially as the elder son wants to marry. He receives a monthly salary of 3,000 Riyals. Is it permissible to give him an amount of the cash money as a loan so that he can get married? Please tell me how to financially support both the younger son and the unmarried daughter. I am confused and I fear that I may fall into sin. Please guide me to the proper way by which I can work out a solution to the problem of the elder son's marriage and the financial support. I support them financially from the rent of the two houses. Please explain the course I should follow regarding the distribution of their financial rights.

A: First, the elder brother who wants to marry should be given his prescribed share of the cash money.

If the money he receives falls short of covering the expenses of his marriage, he may borrow from his pubescent brothers or from any one else. **Second,** the money spent on each inheritor should be deducted from the share he is entitled to receive, whether from the rent or the cash money. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 17951

Q 2: is it permissible to take some money from the legacy of someone in order to spend on his behalf?

A: The legacy of the deceased should be distributed as follows: Any debts are to be paid, then his will is to be executed if there is any, and the rest should be distributed between the heirs according to the legal way of inheritance. If one of the heirs wants to give something as charity on behalf of the deceased, this is a good act and may the reward of Allah be for the deceased!

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 16341

Q 2: my brother died and left behind a truck which I sold. He also left a wife, a daughter, his mother and a sister. Do they have a share in the money from the truck? My niece receives a salary from the social security and some Sadaqah (voluntary charity); is it permissible for me to take the money she receives? It should be mentioned that I treat her kindly as if she is my daughter by buying her all that she needs.

A: Your brother's truck should be given to his heirs. You have to refer to the competent court to specify the heirs and give them their rights. You have to keep the money paid from the social security and Sadaqah to your niece till she grows up, then give it to her in full, for this is an orphan's money and it is impermissible to use it unlawfully. However, if she does not deserve Sadaqah, it is impermissible to take it for her. You can buy anything she needs from her money. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and companions!

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The first question of Fatwa no. 18776

Q 1: our father died and left a house, where some workers live in return for the payment of a monthly rent. our family is large and we have no other source of income except the revenue of that house. Is it permissible for us to live on this money? If we have to divide this house among us through inheritance, can we sell it?

A: If the reality is as you mentioned, you can, after the repayment of any debts, and after executing his bequest if he made any, divide the revenue of the house among you. You have to agree among yourselves whether to sell or rent this house. You have to do what is of benefit to you. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 18789

Q: Please be advised that my wife died, and her only heirs are her father, her husband and her children. They are three boys and three girls, who are all under the age of fifteen. The deceased (may Allah be merciful with her) left gold that was sold for 8,755 Riyals.

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She also has sixty shares in a company.

The first question is whether her husband can spend all the value of her gold in charitable purposes, such as building a Masjid (mosque). Please note that they are not in need of that money, and wish to give this charity with the intention of giving Sadaqah Jariyah (ongoing charity).

The second question is whether it is permissible for her husband to transfer her shares to his name along with the share of her father and children, or it is impermissible to pay the value of the shares, given that it was the husband who paid for them.

The third question is concerning the share of each of the heirs in the estate.

A: If the situation is as you mentioned, the priority is to pay her debt, then carry out her will, and the remaining part is to be distributed in the following way: one quarter for the husband, one sixth for the father, and the rest to be divided among the children; where a boy takes twice more than a girl. Each one of the heirs should take their share of the money and the shares. Giving Sadaqah (voluntary charity) on her behalf is permissible for your share and her father's if he agrees. However, the shares of your children should be kept until they come of age. If they accept it after that, there is no harm. Before you can write the shares in your name, you should ask the rest of the heirs. If her father accepts

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you to write his share in your name, it is his decision. The shares of the children should remain in their names, as they are also heirs. When they come of age, and agree to transfer their shares to you, it is their decision. If she had bequeathed one third of her property, you do not have access to one third of the shares. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 17705

Q 1: My father left behind an estate including 80 shares in Makkah Company, as well as his severance pay from the Department of Education, in which he was an employee. He did not tell anyone about these shares or the severance pay. Should these shares and this sum be distributed only to the minors or to all the heirs? If the heirs give up their right, is it permissible to give them in charity on behalf of the deceased? Is it permissible to invest the bequeathed money

for benefit of the minors in legal transactions?

A: all the deceased's shares in the company and his money from the state are considered inheritance. They should be distributed to the heirs according to their legal shares. If they give up their right to this money or part of it and they are of legal competence, it is permissible to spend them for the benefit of the deceased, in Sadaqah. The minor heirs must have their rights maintained until they grow, then it will be handed over to them. Allah (Exalted be He) says: (And try orphans (as regards their intelligence) until they reach the age of marriage; if then you find sound judgement in them, release their property to them) It is desirable for their guardian to invest their money for their best interest. May Allah grant us success! Peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no 18245

Q: My daughter died leaving behind her Mahr (mandatory gift to a bride from the groom).

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Her husband took the first Mahr he had given her and repaid its value in the form of jewelry, minus six thousand riyals that he still owes her. The value of this jewelry is estimated at ten thousand riyals from which I spent six thousand riyals on establishing a Masjid (mosque). I spend the remaining amount on the charitable activities, and on her children, two sons and one daughter, whenever they visit me. I asked some scholars about this act and they replied that covering the cost of establishing the Masjid from this money is impermissible.

Please tell me, Your Honor, what I have to do regarding this money and also what the husband must do regarding the remaining amount of Mahr he did not pay.

A: What the deceased left including the Mahr and jewelry is regarded as her estate from which her debts, if any, should be repaid and the payment of the bequest, if any, to the extent of one-third of the property should be made. The remaining amount of the estate goes to the inheritors. it is impermissible to dispose of this amount for any purpose other than that specified in the will unless the adult major heirs permit spending it on charitable activities on her behalf. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 19330

Q 2: a young married woman who has no children died. She had parents and a husband. She left 50,000 Riyals worth of jewels. Is this money the right of the heirs? Should this property be spent as an on-going charity? What should we do?

A: The jewels left by this woman is legal inheritance that should be distributed among the heirs according to what is mentioned in the Qur'an and Sunnah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 19220

Q: My step-mother has been living with us in the same house for fifty years. She has no children. Although my father died twelve years ago, she is still living with us in the same house (my father's house). It should be mentioned that she is neither lonely, kinless nor even poor; rather, she has many well-off relatives. However, since she is used to living with us in our house, she does not want to live with her kinfolks. She has some belongings such as a bed, a closet, some kitchenware,

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some blankets, and some clothes.

The question is: In case of her death, should these belongings be transferred to her legal heirs (her kinfolks) or to us, meaning, the people of the house where she lived for over fifty years? Please advise me. May Allah reward you best!

A: The basic ruling is that the property left by a person after their death shall be transferred to their heirs who are entitled to them. As for those who have treated their step-mother kindly by hosting her while they are not among her legal heirs, they are not entitled to take any of her inheritance; even a small amount unless they have the consent of the legal heirs. They (people of her husband's house) will be rewarded by Allah (Exalted be He) for being kind to her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 19242

Q: We are a group of siblings. Some of us are of legal age and some are not. however, our father died recently after being afflicted by a dangerous disease. I used to serve him during the last period of his life. I thus gained his love and confidence so that he entrusted me with a sum of one million Saudi riyals

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that he deposited under my name in a bank so that I would spend it on my younger siblings. He took my promises and strong covenants that I would not tell anybody about this matter bearing in mind that those young siblings are my half and not full siblings. Anyway, my father did so because he provided for his elder children until they became of legal age, got educated, and became self-sufficient while death might separate between him and his young children before he could provide for them as he had done with his elder children. Nevertheless, after the death of my father (may Allah be Merciful with him); the bank told my siblings that my father withdrew part of his money before his death and deposited it under my name. Being unaware of the story of the concerned sum, my siblings started to reclaim this sum.

My question is: Did my father do right when he assigned the concerned sum to his young children? If not, please tell me what the correct way of disposing of it is? Besides, what should I do regarding the oath that I gave to my father? May Allah reward you.

A: If the reality is exactly as what has been mentioned, you have to deliver the sum mentioned above to the attorney of your deceased father or - if not - to the legal court to be distributed amongst the inheritors according to their Shar`y (Islamic legal) portions. Young children should not take exclusive possession of any thing of the estate. Rather, it should be divided amongst the inheritors according to

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the Shar` (law) of Allah (Glorified be He). Finally, you have to make a Kaffarah (expiation) for the oath that you have taken which is: Feeding ten Miskins (needy persons), clothing them, or freeing a believing neck (slave). In case of inability to do any of the foregoing, you have to observe Sawm (Fast) of three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 8827

Q: Would you please answer me as soon as possible: if an inheritance comes from a Haram (prohibited/unlawful) source, is it permissible for the inheritors to take it?

A: If the whole inheritance comes from a Haram source, it is not permissible for any of the inheritors to take any of it. They have to return it to its rightful owners as far as they can, or else spend the Haram money on charitable causes with the intention that it be on behalf of those who do have rights in it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4738

Q: My father died leaving four sons and four daughters. One of the sons, three of the daughters, and I are full siblings from the same father and mother. The remaining sons and daughter are half-siblings from our father. My full-brother and two of my full-sisters have since died. I hope you can answer my question: is it permissible for me to claim the share of the inheritance belonging to my brother and sisters who died after my father?

A: If the reality is as you mentioned, you have the right to claim your share of the inheritance from your late brother's and sisters' inheritances. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul- `Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 11933

Q 2: i have built a house at my own expense on an agricultural land that was left to me as my portion of my father's estate. i have a married sister who jointly owns the land with me through her share in our father's inheritance.

(Part No. 16; Page No. 481)

I would like to ask about the house that I built with my own money on the land that my sister owns a third of? How can I manage this with my sister, should I buy her share in the land or ask her to waive her right in? Is that permissible, as I want to avoid any doubtful matters?

A: If the land mentioned belongs to you and your sister as your shares in your father's estate, then your sister owns one-third of the land or one-third of its current value, unless she herself waives her right in the land, which is acceptable if she is an adult, but if a dispute arises between you over any of the mentioned, the matter should be referred to the courts. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 10325

Q: Can a father deprive his son of his share of an inheritance because he attacked him and other members of the family with a knife?

A: It is not permissible for you to deprive your son of his prescribed share of an inheritance since it is Allah (Exalted be He) who has set this share for him. You are not entitled to annul what Allah (Exalted be He) prescribed.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 7618

Q: A woman called Nurah married a man called `Abdul-Rahman and they had eight sons and three daughters. The sons are: `Abdullah, Muhammad, Ahmed, Sulayman, Naser, Sa`d, Hamad, and `Abdul-`Aziz. The daughters are: Hissah, Hayaa, and Salma. `Abdul-`Aziz and Salma died during the lifetime of `Abdul-Rahman. `Abdul-`Aziz left behind four sons and three daughters, and Salma left behind one son. Then `Abdur-Rahman (may Allah be merciful with him) died and left behind this wife (Nurah) and the remaining sons and daughters. Afterwards, `Abdullah died after his father's death and left behind his mother Nurah, eight sons and seven daughters. Is it permissible for Nurah to give her share of inheritance from her son's estate (a sixth of the estate) to the inheritors of her son; each according to his share in his father's estate? It should be noted that `Abdullah's brothers, Muhammad, Ahmed, Sulayman, Naser, Sa`d, Hamad, and his sisters, Hayaa, and Hissah have sons and daughters. I appreciate your advice. May Allah reward you best!

A: If the reality is as mentioned, it is permissible for the mother of the deceased, `Abdullah, to give her share of inheritance from his estate to his sons. The basic ruling is that it is permissible to donate gifts.

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There is no evidence that forbids this. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 4324

Q 3: is a mother by suckling entitled to inherit from her son by suckling, who dies and leaves behind children and a wife. if yes, what is her share?

A: The mother by suckling has no right to the inheritance of one she has suckled, whether he has heirs or not. However, she may deserve to inherit on another account, such as being the grandmother or sister of the nursling, in which case she inherits due to blood relationship. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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The second question of Fatwa no. 18937

Q 2: My husband died a month ago, leaving behind a son, six daughters and his parents. He left only a small shop in addition to the house

(Part No. 16; Page No. 484)

we live in. I asked his parents to waive their share of inheritance so that I may better provide for my daughters. Am I a sinner for doing this, even though they willingly waived their share? am I a sinner if I give charity out of the money, which belongs to me and my orphan children? I should mention that I run this business which is inside my home.

A 2: First, if your late husband's parents willingly waive their share of inheritance for you, this is their right and there is no sin on you. **Second,** it is not permissible to give charity from the money of your orphan children, for your custody over them does not justify this. As for your share, you are allowed to give charity from it according to the Shari`ah (Islamic law). May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fatwa no. 16666

Q: Allah (Exalted be He) granted me a wife and four underage children (aged 10, 8, 5, 3). I also have a married sister who has children. I own a building that consists of four flats. I sold one third of it to my wife and registered it in her name and sold another third of it to my daughters and registered it in their names. I concluded contracts of sale for them.

(Part No. 16; Page No. 485)

So, the first third of the building is registered in my wife's name, the second in my daughters' names and I left the third part. Frankly, I did not take money in these sales. The reason why I did so is to protect them from inheritance-related disputes because they are weak girls. What is the ruling on doing so? I appreciate your advice. May Allah reward you best!

A: It is not permissible for a person to make contracts of sale on his property to deprive some inheritors from taking their right of inheritance. Allah (may He be Praised and Exalted) knows the intention of every servant. We warn you against doing something that leads you to be punished due to it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 7511

Q 2: when does a person inherit someone? Is it in their lifetime or after their death? Is it permissible for a person to give away all his property before his death? For instance, a father got angry at his children before his death, so he dismissed them from his house, gave some of his property as a Sadaqah (voluntary charity), sold the rest and went to perform Hajj. It seems that there is nothing left for his children after his death. What is the ruling on this? Is this permissible?

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A: First, a person only inherits when the owner dies and the inheritor lives after them. **Second,** a person can give away all his money or give it as Sadaqah during his lifetime seeking the reward of Allah (Exalted be He) if there is public interest and they trust Allah (Exalted be He), out of preferring the public interest to the private one. This was done by Abu Bakr (may Allah be pleased with him) in the Battle of Tabuk. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The third question of Fatwa no. 8782

Q 3: my sisters refuse to take their shares of inheritance in my father's land, saying that they are honestly willing to give them to me. However, I am afraid that I might be sinful because of this in spite of their willingness. What should I do? They insist on not taking their shares in the land; not even the value of their shares.

A: If they are perfectly willing to waive their shares and refuse to take them,

there is no sin on you and it is your right to take them; otherwise it is not permissible. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 13586

Q 1: a man died and left behind four sons and two daughters. While the eldest brother was distributing the inheritance, one of his sisters gave away her share to her brothers and sisters. It is not well-known whether she did so out of embarrassment or that she really wanted to do it. What should we do? Should we accept her share or not? It is worthy mentioning that her share of the inheritance is a piece of land on which figs or olive trees are being cultivated. Please advise us in this regard. May Allah reward you with good!

A: If it is well-known that the woman has renounced her share in her father's inheritance to her brothers and sisters willingly, there is no harm in this. However, if she has not done so willingly, she should be given her share in the inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fifth question of Fatwa no. 6514

Q 5: my eldest brother died in Sha`ban, 1397 A.H. and my father died in Ramadan, 1402 A.H. Does my brother inherit from my father? It should be taken into consideration that both of them left behind sons and daughters.

A: If the reality is as you have mentioned; that your brother died before your father, he will not inherit from him and his children will not inherit from their grandfather because they will be deprived by their uncles. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 15750

Q: do children inherit from their maternal grandfather? Their mother died during the lifetime of her father. If they deserve inheritance; what is their share? It should be noted that they have two uncles and three aunts in addition to the wife of their maternal grandfather.

A: If the reality is as mentioned, those children do not inherit anything from their maternal grandparents. The children are distant blood relations and distant blood relations do not inherit if there is a closer inheritance-deserving relation except for the spouses.

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Fatwa no. 19149

Q: I would like to inform your Eminence that a question of a sister from the Arab Republic of Egypt was attached to my question. It reads as follows: my mother died before my maternal grandfather did; am I entitled to receive a share of inheritance while my uncle and aunt are alive?

A: If your mother died before your maternal grandfather did while the latter left a son and a daughter, your mother is not entitled to receive any share of inheritance. The inheritance of your mentioned grandfather goes only to your maternal uncle and maternal aunt i.e. you are not entitled to receive anything from the inheritance of your grandfather. This is because you are considered amongst Dhawul-Arham (relations connected through females) who are not entitled to receive inheritance while Ashab Al-Furud (heirs of shares prescribed by the Holy Qur'an) or `Asabat (relatives in whose line of relationship no female enters), other than husbands and wives, are existent. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 20217

Q: My grandfather died and left behind my mother and my uncle as heirs. The

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competent judge has issued us the title deed of inheritors, and appointed my mother as guardian of my uncle as he is mentally disabled. She continued to take care of him in my father's house after the death of my maternal grandfather, and he (my uncle) died after suffering from an illness that lasted for eight months. He remained under the care and nursing of my mother for more than sixteen years. Neither his uncle nor my father's cousin offered her any help.

The question now is:

a- is the person mentioned exempted from legal obligations such as, Salah (Prayer), Sawm (Fasting) and Hajj?

b- He left behind a sum of money; is this sum for my mother only in return for nursing and fostering him? Or do her uncle and cousin have shares in it?

Advise us. May Allah reward you best! Does the ruling on money apply to his property?

A: A mentally disabled person who is not able to regain consciousness for even a period of time in which he can perform his legal obligations like, Salah, Sawm and Hajj, will be exempted from performing them, for they are not obligatory on him. It is narrated by `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said: (There are three (persons) whose actions will not be accounted: A sleeping person till they awake, a child till they reach puberty and an insane person till they recover.) In another narration: (till they regain consciousness.) Related by Imam Ahmad in his Musnad,

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Abu Dawud, Al-Nasa'iy, and Ibn Majah in his Sunan Book. However, if this mentally disabled person regains his consciousness for a period of time in which he can perform Salah, Sawm of Ramadan, or Hajj given that he is financially able to perform it, he should perform all his legal obligations at the time he regains his senses. The property left by this person should be transferred to his heirs after his death. It should be distributed to them according to the legal ways of inheritance. Moreover, it is impermissible for your mother to take any thing from this money in return for nursing him and taking care of him. She is only allowed to take what she is entitled to from the inheritance after the listing of the heirs by the competent court. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 20037

Q: There is a widow who has only one relative. She asked this relative, who is related to her through the fourth or fifth grandfather, to live with him and he accepted. Some months later, he and his family began to mistreat her and threatened to kick her out. After becoming unable to tolerate such bad treatment, she resorted to the court

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and suggested to the judge that she wanted to live with the family of Muhammad Khalufah. She wanted that person to take care of her and her rights and to be appointed as a legal trustee of her property. The judge accepted and issued an instrument of Wakalah (appointment of a legally accountable person to act on behalf of another for a specific permissible matter) for the said person. She lived with the family of Muhammad who treated her well and were generous to her. They gave her a piece of land where she built accommodations for herself. She is about eighty years old and receives financial aid from social security in addition to some other charitable sources. The question is: Is it permissible for the person who was very generous to her to inherit from her, as she so wishes?

A: If the case is as you have mentioned, the person who was your trustee and was very generous to you is Ajnaby (man lawful for the woman to marry) and not a close relative. He will not be entitled to inherit from you, nor should you will that all your property goes to him after your death because he is not a blood relative or included in Ahl Al-Fara'id (those entitled to Qur'anic prescribed shares of inheritance). This is based on the report narrated by Ibn `Abbas (may Allah be pleased with them) from the Prophet (peace be upon him) who said, ﴿Give the Fara'id (the shares of inheritance prescribed by the Qur'an) to those who are entitled to them, and whatever is left is for the closest male relatives.﴾ (Agreed upon by Al-Bukhari and Muslim). This is the wording of the version narrated by Al-Bukhari. Inheritance is determined by three factors: blood relationship, marriage and Wala' (manumitter's right of inheritance from their freed bondsman). Accordingly, all that you will leave after your death will go to your blood relative with whom

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you are related through the fourth or fifth grandfather, in default of other closer blood relatives. After his death, his children will be the heirs. When there are neither blood relatives nor kinsmen, the property goes to Bayt-ul-Mal (Muslim treasury). Yet, the lawful option available for you is to make a bequest that this generous person, who donated the land where you built your house and took care of you, receives one-third of your property. He will be rewarded by Allah for whatever good he did towards you. You should be aware that he is Ajnaby and you are not allowed to uncover your face or body before him or be in Khulwah (being alone with a member of the opposite sex) with him. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The sixth question of Fatwa no. 2514

Q 6: some people prevent their daughters from taking their shares in inheritance, for fear that their sons-in-law may take them. Is this lawful?

A: Allah (Exalted be He) determined the heirs and the shares of each person in Surah Al-Nisa'; daughters are among the heirs listed. Allah (Exalted be He) recommends giving each person their due right and ends the first Ayahs (Qur'anic verses) on inheritance, saying:

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﴾These are the limits (set by) Allâh (or ordainments as regards laws of inheritance), and whosoever obeys Allâh and His Messenger (Muhammad صلى الله عليه وسلم) will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and that will be the great success.﴿ ﴾And whosoever disobeys Allâh and His Messenger (Muhammad صلى الله عليه وسلم), and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment.﴿ Allah says in the last Ayah of the Surah: ﴾(Thus) does Allâh make clear to you (His Law) lest you go astray. And Allâh is the All-Knower of everything."﴿ Hence, anyone who deprives a daughter or anyone else of the right granted to her by Allah (Exalted be He) without her consent and willingness has disobeyed Allah and His Messenger (peace be upon him) and is guilty of following his desires. Such people are obsessed with masculinity and the pride and haughtiness of Jahiliyyah (pre-Islamic time of ignorance), and their abode will be the Fire if they do not repent and give the people their rights. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The sixth and seventh question of Fatwa no. 6209

Q 6 and 7: does a female deserve a share of inheritance from her father's land, sheep,

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money and orchards? Is it permissible to distribute the father's property to the brothers according to the way they agree upon?

A 6 and 7: Allah (may He Praised and Exalted) explained issues related to inheritance in His saying: ﴾Allâh commands you as regards your children's (inheritance): to the male, a portion equal to that of two females﴿ Therefore, a female deserves half of what a male deserves of inheritance whether it is movable or fixed property after settling the deceased's debts if he is indebted and executing his legal will if he had made one. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17784

Q: The people of Banu Malik tribe in Al-Ta'if have ancestral customs that deprive women of their shares of inheritance when dividing the estate. So, the estate, including residential lots, houses, farms, livestock and money, is distributed to males only. Sometimes, the tribal chiefs are present at the time of distribution. Moreover, no woman dares claim her share as decreed by Allah (Exalted be He).

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Indeed, the issue of women's inheritance is even blotted out by the whole tribe and the majority of the tribe's women ignore their due portions of inheritance as ordained by Allah (Exalted be He). It seems as if distributing inheritance to males is Halal (lawful) while to females is Haram (prohibited). Even when reminding those who distribute the inheritance about what is stated in the Qur'an and Sunnah about the due inheritance division, they claim to acknowledge that their female relatives are entitled to inherit. But, they are not going to give them their portions as long as the women do not ask. The reason is that the males know well that their female relatives will not demand their shares because of their ignorance and because they do not want to transgress the tribal customs that deny the females' rights of inheritance, regardless of their need for money or the richness of their male relatives. Also, some of the tribe's males find it dishonorable that their fathers' estates, particularly the lots and farms, are shared with their brothers-in-law or nephews. Moreover, when issuing the title deeds of the properties, it suffices to mention the names of the female inheritors therein. But the only real beneficiaries and those who have the right to dispose of the properties are the males. Furthermore, upon selling an item of the estate, the men only convince the females, who are entitled to inherit according to the title deed, to accept selling and make cession of the purchased item. Even when acting benevolently, the men would just give their female relatives some of the price of the sold item like what they would give to the needy. They call this sum of money Basatah or Radwa (as a sort of satisfaction) by which they silence these poor females. So please give us advice and provide us with the legal instructions in this regard!

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A: Allah (Exalted be He) says: ﴾There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large - a legal share.﴿ Allah (Exalted be He) also says: ﴾Allâh commands you as regards your children's (inheritance): to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half.﴿ And He (Exalted be He) says: ﴾If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third, after payment of legacies he (or she) may have bequeathed or debts﴿ He (Exalted be He) also says: ﴾They ask you for a legal verdict. Say: "Allâh directs (thus) about Al-Kalâlah (those who leave neither

descendants nor ascendants as heirs). If it is a man that dies leaving a sister, but no child, she shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance. If there are two sisters, they shall have two-thirds of the inheritance; if there are brothers and sisters, the male will have twice the share of the female.﴿ And He (Exalted be He) says: ﴾For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth.﴿ ﴾Besides, Prophet Muhammad (peace be upon him) used to give the grandmother one sixth (of the inheritance).﴿

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The scholars unanimously agreed on that. Allah (Exalted be He) says about the inheritance of wives: ﴾In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave﴿ So, the Hadith mentioned above and the Sayings of Allah clarify that women have the right to inherit whether they are mothers, grandmothers, daughters, sisters or wives. Allah (Exalted be He) laid down the laws of inheritance and called them the Limits He sets. Therefore, whoever does not comply and does not give women their due share of inheritance, disobeys Allah (Exalted be He) and His Messenger (peace be upon him), rebels against His Decrees and transgresses the Limits He sets. Also, whoever deprives women of their inheritance while knowing the ruling in this regard, is Kafir (disbeliever) according to Ijma` (consensus of scholars). Thus, after clarifying the laws of distributing inheritance to males and females, Allah (Glorified and Exalted be He) says: ﴾These are the limits (set by) Allâh (or ordainments as regards laws of inheritance), and whosoever obeys Allâh and His Messenger (Muhammad صلى الله عليه وسلم) will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and that will be the great success﴿ ﴾ And whosoever disobeys Allâh and His Messenger (Muhammad صلى الله عليه وسلم), and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment.﴿ It is thus obligatory to repent of depriving women of inheritance and the guilty person should give them

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their due shares as decreed by Allah (Exalted be He) Who gives everyone his due right. The Prophet (peace be upon him) said, ﴾Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased.﴿ May Allah grant us success! May Allah's Peace and Blessings be upon our Prophet Muhammad, his family, and Companions.

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The fourth question of Fatwa no. 4894

Q 4: My father died, leaving behind a lot of land for us (a number of sons and daughters). Prior to his death, my father wrote a preliminary contract for the sale of the land. I was young when my father died. When I grew up, I knew that the inheritance (the lot of land) was not distributed according to Shari`ah (Islamic law). So each one of my sisters should have obtained a Feddan (measure of land used in Egypt and some other Arab countries, equivalent to 0.405 hectare (about one acre) or more in certain areas) to complete their due share stated in the Qur'an and Sunnah. Therefore, I asked my brothers to redistribute the inheritance according to the Islamic inheritance laws stated in the Qur'an and Sunnah, but they refused. Thus, I tried to give my seven sisters their due rights on my own. When calculating their shares, I found that I should give each sister three Qirats (a measure of land used in some Arabic countries, equivalent to 1/24 of feddan) from my share, which is quite simple. My sisters, nevertheless, know nothing about the whole matter. My question is: What should I do as I do not have money to purchase my sisters' shares?

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Even if each sister takes three Qirats of land from me, they cannot cultivate them. Moreover, this would spoil my land as they have many children who would damage it. What should I do and what is the ruling in this regard? If my sisters say that they forgive me about this matter, is it sufficient according to Shari`ah?

A: First, if the reality is as you mentioned, your father was wrong when he privileged sons over daughters and deprived his daughters of some of their due rights. The same is equally applied to your brothers who refused to give their sisters the rest of their due share of the inheritance to discharge their responsibility and to keep away from Zhulm (injustice). You did well with your willingness to give your sisters the rest of their due share of inheritance, which had been added to yours. **Second,** if your sisters forgive you or forgive all of their brothers, then you have fulfilled your duty and the problem of division is solved. May Allah reward whoever does good, as He loves the good-doers. But if they do not forgive and it is easy to divide the land, you have to give them the rest of their shares in the form of land, even if it is a single lot they would all share in. However, if it is difficult and would cause trouble for you or for them, then fairly estimate their shares of the land and give them the value in the form of cash or anything else that they may accept. If there is no mutual agreement regarding this matter, you and your sisters should

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consult trustworthy people with discernment and experience to clear up the problem or you can have recourse to the court if necessary. Allah is the One sought for help. May Allah grant us success! May Allah's Peace and Blessings be upon our Prophet Muhammad, his family, and Companions!

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The second, third and fourth questions of Fatwa no. 1934

Q2: Is it permissible for that girl to inherit from the Halal (lawfully-earned) estate of her deceased's father, bearing in mind that the deceased had not taken his share of his father's inheritance?

A2: If what is meant by the girl in the question is she whose husband died, as stated in the first question, then she is entitled to inherit the share of her deceased husband only, based on Hadith and the Saying of Allah (Glorified and Exalted be He) about the inheritance of wives: ﴿In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts.﴾ But if her father-in-law was alive when her husband died, she is not entitled to inherit from her father-in-law. If there is any dispute, it should be submitted to the court

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to settle the issue.

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Q 3: do the grandchildren inherit from their grandfather in the presence of his children (uncles, aunts)?

A: The grandchildren do not inherit from their grandfather in the presence of their uncles. They are deprived of inheritance by their uncles according to Ijma` (consensus of scholars).

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Q 4: does the deceased's wife inherit from her father-in-law?

A: The wife of the deceased does not inherit from her father-in-law if her husband dies before his father as we mentioned in the answer of the second question. However, if the husband inherits from his father after his death, the wife will inherit from her husband after his death of the properties which he inherited from his father. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 4503

Q: The Court of Makkah Al-Mukarramah decided a title no. 12/25 on 27/12/1401 A.H. confirming the death of Ibrahim Abdul-Rahman Falatah. the title also states that he has no inheritor except for his wife, Rahmah bint Muhammad Falatah. Should all the deceased property be given to his wife or should she just receive her share of inheritance and the rest of the inheritance remains till a blood relation claims it?

A: If the reality is as mentioned, the wife of the deceased deserves one fourth of his legacy and the rest of it remains as a trust till a deserving relation appears.

Otherwise, it should be placed in Bayt-ul-Mal (Muslim treasury). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fifth question of Fatwa no. 4731

Q 5: is the wife's share of her husband's residence the same as her share of inheritance?

A: Her share is one-eighth if the deceased has children and one-fourth if he has no children, whether the property is a residence or money. If there is another wife or wives, one-eighth will be divided between them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 18782

Q: my father died and left behind a garden. He left a stepmother who has no children. After the death of our father, the stepmother married another man; does she have the right to inherit this garden?

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Does she have the right to inherit from the revenue of the garden?

A: She has the right to inherit from all properties that your father left because she has one-eighth of the inheritance if your father has no other wives. This ruling shall be applicable whether the estate was sold or used like the mentioned garden. She will have one-eighth of the sold properties or one-eighth of the revenue after paying the debts of your father and executing his will. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 1587

Q: a man died and left two wives, one of them is Nashiz (mistreating her husband). Is she entitled to receive a share from her husband's inheritance?

A: Spouses are entitled to inherit from each other as long as their marriage contract is effective. The issue that a wife is good to her husband or that she is Nashiz is irrelevant in this regard. This is because Allah (Exalted be He) says: (In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts. In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts.)

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Thus Allah (Glorified be He) linked the foregoing ruling of inheritance to marriage which is still effective in the case mentioned in the question. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 4225

Q 1: What is the ruling on assigning a share of inheritance to a widow who married after her late husband had died and left her behind with children. The deceased husband left a piece of land on which he built a house to live in. Is this wife entitled to a share of the wealth? If she is, how could she benefit from this share?

A: if a husband dies and leaves a wife, she is entitled to a prescribed share of the property he leaves behind. Getting married after his death does not deprive her of the right to inherit from her first husband. This view is based on Ijma` (consensus of scholars). Accordingly, this wife is entitled to receive a one-eighth share of the total property after repaying any debts of the deceased husband and executing his will. If he was married to more than one wife, they will all be entitled to a one-eighth share that should be equally divided among them. As for the last question, we can not determine the way this wife can benefit from her prescribed share. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 6372

Q: A man called Hassan married his cousin by a legal marriage contract and gave her a car that is worth 15,000 SR as a dowry in addition to 6,000 SR in cash. This man died before consummating the marriage.

The question here is: does the woman deserve a share of inheritance from the legacy of her husband, Hassan, who died before consummating the marriage? It is worth mentioning that her family asks for her share in the legacy. She is twelve years old now. We are waiting for your Fatwa.

A: If the reality is as mentioned, that Hassan married his cousin and died before consummating the marriage, she should inherit one eighth from his estate if he had children and one fourth of it if had no children, after repaying his debts if he is indebted and executing his legal will if he made one.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 11470

Q: a man died and left two wives, five daughters, and three sons. One of his wives took a she-camel and a baby-camel, saying that this was her share in the inheritance. Before his death, the man had given one of his two married daughters six sheep. I hope to receive a detailed answer about the division of the estate.

A: If the reality is as you mentioned, the deceased's debt should be paid off first and his legal will should be executed, if there is any. After this, one-eighth of the remaining estate should be given to the two wives to share it by halves. The remaining portion should be distributed among the sons and daughters; with the male having double the share of the female. The common denominator of the question is eight and its integral factor is 176 shares. Thus, the two wives are to take twenty-two shares; eleven shares for each; each son should take twenty-eight shares, and each daughter should take fourteen shares. The whole estate should be divided accordingly, including the camels and other assets. If a dispute arises between the heirs, the matter should be referred to the Shari`ah court.

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 2: a Muslim died before consummating his marriage. Does his wife inherit from him or not?

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A: If a lawful marriage contract was concluded between the spouses and the husband died before consummating the marriage, his wife inherits from him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16359

Q: My paternal half-brother died leaving his father and a daughter. He used to work on the farm with our father. he married my paternal cousin, although he did not consummate the marriage, and then my father died. Does my niece inherit from my father? Does my cousin inherit from my brother who married her without consummating the marriage?

A: The daughter of your paternal half-brother, who died before your father, does not get a share of your father's inheritance. As for your brother's wife, whose husband died before consummating their marriage, she receives a wife's share, i.e., one-eighth, of his inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first, second, third, and fourth questions of Fatwa no. 16333

Q 1: my maternal grandfather married two women, but one of them died a year before him. Does she inherit from him after his death?

A: A wife who dies before her husband does not have any right in his inheritance, as one of the conditions to have a share in an inheritance is that the inheritor is alive at the time of death of the testator. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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Q 2: what is the share of inheritance due to a second wife whose husband dies while she is still married to him, given that she later married another man? She claims that the house she lives in is the Mahr (mandatory gift to a bride from the groom) of one of her daughters, though it is registered in the name of the deceased.

A: The wife whose husband dies while she is still married to him has a right to one-eighth of the deceased's estate due to the presence of daughters. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

The Permanent Committee for Scholarly Research and Ifta'

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Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 3: do any of the inheritors have the right to live in the house of the deceased if it is not sold, without taking the consent of the other inheritors?

A: None of the inheritors has the right to live in the deceased's house except after the consent of the other inheritors, as the ownership of the house has been transferred from the ownership of the deceased to that of the inheritors. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 4: does one of the daughter have the right to demand her share of inheritance without the consent of the other inheritors?

A: Each of the inheritors has the right to demand his share of inheritance

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even if the rest of the heirs are not satisfied with the distribution. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9713

Q: The texts of Shari`ah (Islamic Law) indicate that the husband inherits half the property of his deceased wife if she has no children. If she leaves behind children, the husband's share will be reduced to one-fourth. This means that a one-fourth share is cut off from the husband in the presence of children. Many times when children fight with their father, in order to settle their dispute they ask the opinion of scholars who tell them that children are not entitled to come into the possession of any property as long as their father is still living. In support of their opinion, they quote the Hadith in which the Prophet (peace be upon him) is reported to have said, ﴾You and your property belong to your father.﴿ **How could we reconcile this Hadith with the Ayah (Qur'anic verse) on inheritance (Surah Al-Nisa': 12)?**

A: the husband inherits half the property of his childless wife. If she leaves behind children, the husband's share will be reduced to one-fourth. Allah (Exalted be He) says, ﴾In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts.﴿ The children are entitled to the remainder of the property

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according to the Islamic system of inheritance known as Ta`sib (male agnatic blood relatives of the deceased). As for the Hadith narrated by Jabir (may Allah be pleased with him) in which the Prophet (peace be upon him) said, ﴾You and your property belong to your father.﴿ it can be said that since a son's existence is somehow related to his father, the latter is entitled to take as much of the son's property as would serve his needs. The Hadith does not mean that the father is entitled to seize all the property of his son without there being any need for that. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 216

Q: The questioner says that his mother gave birth to an illegitimate son who died before the questioner was born. The mother was the only person left to inherit from that illegitimate son. then the mother died and left the questioner only. Is he (the questioner) entitled to all the property of his mother including the share she inherited from his uterine brother?

A: If the matter is as described by the questioner, that his uterine brother was illegitimate, and that when he died the mother was the sole heiress, she is entitled to all the property he leaves. If the mother of the questioner dies and leaves no other relatives than

him, all her property, including the property she inherited from her illegitimate son, will be transferred into the ownership of the questioner by means of inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1210

Q: A woman died and left behind a son and some daughters. she also left a foundling girl whom she brought up. Upon distributing the mother's estate, the son gave the foundling girl the same share as a full daughter without consulting the other heirs. Some of them were not satisfied with this action, so he is asking about the legal ruling.

A: The foundling girl has no right to inherit from this mother. If one of the inheritors objects to this action, he must guarantee the right in which he disposed improperly because they have the right of full inheritance. If they give up their right, it will be a donation from them and what they demanded is considered their right which is proper to demand.

The foundling girl is a stranger to them, so she must wear Hijab (a head cover to the waist) in the presence of this mother's sons. However, if their mother suckled her according to the conditions of Shari`ah, she will be their foster-sister but she still would not have the right of inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2235

Q: my father (may Allah be merciful with him) adopted a baby girl, whom he found hung on a tree after her birth. My mother breast-fed her along with me, as I was also then a newborn. Then she grew up and got married. Later on, my father died (may Allah be merciful with him). Now she has grown children who demand a share in the estate of my father. Please give me your Fatwa regarding whether she has a right to my father's estate or not. Whatever the ruling, I hope that your Fatwa will be in writing in order to convince her and her sons, as your Fatwa would be decisive for both parties.

It is worth mentioning that we have not deprived her as we gave her two-thirds of the share each legal heir of my sisters would receive.

A: If the case is as you mentioned, this lady deserves no share of the estate

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your father left, for she is not one of the heirs. Your father's taking care of her and keeping her in his custody until she grew up and got married is a gesture of kindness on his part. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

The Permanent Committee for Scholarly Research and Ifta'

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Seventh question of Fatwa no. 6759

Q 7: a wife who had a legitimate child committed Zina (adultery) and gave birth to an illegitimate child. Is this illegitimate child entitled to inherit from his mother's husband?

A: If the concerned married wife gave birth to her illegitimate child while the bond of her marriage was effective, the illegitimate child is to be attributed to her husband unless the latter denied him by Li`an (oath of condemnation). However, if the child is denied by Li`an; he is to be attributed to his mother and her `Asabah (relatives of the father or male side) are to be regarded as the child's `Asabah exactly as if she had given birth to him while she was not married. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

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Fatwa no. 14196

Q: A man committed Zina (adultery) with a woman and she got pregnant. The Had (prescribed penalty) has not been carried out because the rulings of Islamic Shari`ah are not applied in our country. The woman gave birth to a son, then the man and woman married and had other children. The first son grew up and helped the father with his work till they made a large fortune. The man acknowledges that he is his son. When the father died, the first son was deprived of inheritance. When he asked about the reason, he was told that an illegitimate son does not inherit from his parents. Is this correct? What was the child's fault? His parents committed a sin and the Had (prescribed penalty) was not carried out? Allah (may he be Exalted) says: (and no bearer of burdens shall bear the burden of another.) **Thank you very much.**

A: the illegitimate son is ascribed to his mother. He inherits her and she inherits him but he does not inherit the person who committed adultery with his mother. If any dispute arises, it should be referred to the competent court. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 16988

Q 2: what is the ruling on the inheritance of an illegitimate child? If two people commit Zina (adultery), the woman gets pregnant, and the man admits that he has committed Zina with her,

does this child inherit from him?

A: An illegitimate child is not attributed to the man who admits that he had committed Zina with his mother. The child is attributed to his mother, according to the Hadith narrated by `Aishah in the tale of `Abd ibn Zam`ah and others. The child was also born outside marriage, so he cannot be attributed to that man. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 7922 All praise be to Allah, and peace and blessings be upon His Messenger, and his family and Companions.

The Permanent Committee for Scholarly Research and Ifta' has read the question submitted by his Excellency the Minister of Labor and Social Affairs to the president, referred under no. 2713 on 1/11/1404 A.H. which reads:

Please allow me to discuss an issue related to children of unknown parentage who are under the Ministry's care and I hope you guide us to what is best. Some of these children receive

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gifts and presents that are kept by their guardians to deliver to them when they reach the legal age. However, children may die before or after reaching the legal age. In this case, what is to be done, in your opinion, with these gifts? Should they be sent to Bayt-ul-Mal (Muslim treasury), given to the children's guardians, or given in charity? Please give us the Shari`ah (Islamic law) opinion in this regard so that the Ministry may follow it when faced with similar cases. May Allah guide us all to what is best!

A: If the case is as you mentioned, all gifts and grants received for the child should go to Bayt-ul-Mal after repaying any necessary obligations. However, if the mother is known and alive at the time of death, she receives everything as her prescribed share and due to surplus redistribution. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 17802

Q: does an illegitimate child inherit from his wife or children after their death? does his half brother from the mother inherit from him after his death if he has no descendants or ascendants?

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May Allah protect you and peace be upon you!

A: Firstly: A husband inherits from his wife after her death as long as they have been lawfully married, regardless of being an illegitimate son or not. Similarly, he inherits from his sons and they inherit from him provided that all the conditions are fulfilled and there are no impediments. **Secondly:** When a man dies leaving no descendants or ascendants, his half brother from the mother inherits from him, even if the deceased is an illegitimate son, since he is a lineal descendant of the mother if there is no impediment. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Member	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 10389

Q: Mr. Muhammad ibn Salim had three sons and a daughter, then one of the sons died. does the sister inherit from her full brother? Bear in mind that the deceased brother left three sons and a daughter. Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar) and may Allah reward you!

A: If the matter is as you mentioned, the sister does not have a share in her brother's inheritance since he left sons. They are the closest of kin who exclude others from the inheritance.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

The third question of Fatwa no. 5734

Q 3: what is the correct opinion in Al-Mas'alah Al-Mushtarakah (The Common Issue, meaning, a woman dies leaving behind a husband, a mother, two half brothers and one or more full brother)? Are the half brothers entitled to one-third of the estate with the husband and the mother, while the full brothers have no right in inheritance according to the view of Ahmad ibn Hanbal and Abu Hanifah, or shall they share the one-third with them according to the view of Malik and Al-Shafi`y? What is the preponderant and applicable opinion in this regard? Could you kindly advise us.

A: The preponderant opinion in this regard is that the full brothers will not inherit with the half brothers due to the saying of the Prophet (peace be upon him): (Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive them. After that, whatever remains, should be given to the closest male relative of the deceased.) Agreed upon by Al-Bukhari and Muslim. This is the view of Ahmad and Abu Hanifah. It is also the saying of `Aly, Ibn Mas`ud, Ubyy ibn Ka`b, Ibn `Abbas and Abu Musa (may Allah be pleased with them all). `Umar (may Allah be pleased with him) judged with the same ruling before them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1342

Q: is it permissible for a man to deny one of his sons his inheritance and to dedicate all of it to the other?

A: It is impermissible for a man to deny one of his sons his inheritance and to dedicate all of it to the other, because inheritance is the right to a child after his father's death due to blood relationship. It is a ruling prescribed by Allah (Glorified and Exalted be He). A father does not have the right to deny any of his children this right; he can only dispose of it in the limits prescribed by Allah (Exalted be He). It is impermissible for a father to deny his son his right to inheritance and give it to the other son. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1348

Q: I need your guidance about how to divide the estate of my brother-in-law. he died leaving a father, a mother, and a son named `Abdullah from an ex-wife whom he divorced before marrying my sister. An official document was issued disavowing his paternity based on his ex-wife's request. Does the boy have any right to inherit his father?

The deceased also had a wife, two daughters,

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and seven sons who are all minor. I have been appointed as the guardian of the deceased's estate, which is his household furniture, his car in which he died in a rollover accident, his pension, and some money. I would like to know how the estate should be divided among the heirs as well as the heirs who are entitled to receive the Sadaqah (voluntary charity) given by others.

A: If the reality is as you mentioned, issuing a document disavowing the paternity of `Abdullah as based on the mother's request has no effect on the child's right to inherit his father. Accordingly, the deceased's heirs are his father, mother, wife, two daughters, and eight sons. The first priority is to pay off any debts of the deceased, if there are any, and then executing his legal will. The remaining estate is to be divided among the heirs. The common denominator of the question will be twenty-four and its integral factor will be 432 shares. The mother is to inherit one-sixth of the estate, which is seventy-two shares from a total of 432 shares; the father's share is also one-sixth of the estate, which is equivalent to the mother's share; and the wife shall inherit one-eighth of the estate, which is fifty-four shares from a total of 432 shares. The remaining 234 shares should be distributed between the eight sons and two daughters; with the male having double the share of the female. Accordingly, every son should take twenty-six shares from a total of 432 shares and every daughter should take thirteen shares

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from the same total. The ruler has made a system for the pension of the deceased, specifying the person who is entitled to receive it, its value, and the period of receiving it. The inquirer can refer to the Public Pension Agency to settle this matter and obtain any necessary information. Regarding the Sadaqah which the deceased used to receive from benefactors, the benefactors themselves should determine the rightful recipients of their Sadaqah from among the heirs. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9819

Q: I have been married to a woman for nineteen years, and we had four children: two sons and two daughters. We were financially insolvent at that time, and she did not bear our affliction and difficult financial situation. She asked for Talaq (divorce pronounced by a husband), and conceded all her marital rights. She married another man, and I married another woman.

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I took my children to live with me. I lived in a low-class area with my wife and my elder children, who got married and left the house. Now I live there with my second wife and our children. During those years, we managed to rent a shop from the government, whose rental fees are eleven pounds paid to the government. As my eyesight grew weaker, I rented this shop for thirty pounds, of which I pay the rental fees and the rest I spend on myself and my family.

Please advise me whether my first wife and her children have rights to the shop and the apartment, given that my children from my second wife are still minors. If I sell the shop now and spend its value on myself and my children, do the elder ones have right to it? I am afraid that they will think so after my death. Please answer me.

A: First, you are not obliged to spend on your divorced wife and as long as she is not married to you; she does not inherit you. **Second,** your children from your first and second wives who are alive after your death inherit you, whether they are minors or of age. **Third,**

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your wives at the time of your death inherit you. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2382

Q: our maternal grandfather died leaving our mother Munirah bint `Ali, her sister Latifah and our maternal grandmother Nurah. our mother Munirah died after the death of her father. Her mother Nurah died after her. Are Munirah's children entitled to receive the share of their mother's inheritance of her father or not?

A: If the matter is exactly as what is mentioned in the question, Munirah's heirs inherit her estate after implementing her Shar`y (Islamic legal) will, and paying back her debts. Such estate includes Munirah's share of her father's inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3890

Q 1: is it permissible to give the sons of one wife from the estate more than the sons of the other wife?

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A: According to Ijma` (consensus of scholars), this act is impermissible. The process of dividing the estate, which is explained by Allah (Glorified be He) in the Qur'an and shown by the Prophet (peace be upon him) in Sunnah, is an obligation prescribed by Allah. In Surah Al-Nisa', after mentioning the Ayahs of inheritance, He (Glorified be He) states, ﴾These are the limits (set by) Allâh (or ordainments as regards laws of inheritance), and whosoever obeys Allâh and His Messenger (Muhammad صلى الله عليه وسلم) will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and that will be the great success.﴿ ﴾And whosoever disobeys Allâh and His Messenger (Muhammad صلى الله عليه وسلم), and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment.﴿

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 2: is it permissible for a person to deprive one of his children of their share of inheritance claiming that he does not need it?

A: It is not permissible to do that because of the reasons that were mentioned in the answer to the first question. May Allah grant us success! Peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 6809

Q: my uterine brother died and left behind one daughter. Could you kindly inform me whether I have a share in his estate?

A: If the reality is as you have mentioned, you shall not inherit from your uterine brother because you are prevented from inheritance by his daughter who is the real inheritor. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 1755

Q: i am a farmer who lives in Al-Sir region. in the past, things were bad, meaning, i did not have anything of worldly properties. My children grew up and became employees, so we built houses and purchased pieces of land. in Jumada Al-Akhir, 1397 A.H., one of my sons died. He left behind a wife, a daughter and a son. My real income includes the revenue of farming and the salaries of my children. However, we did not make any difference between the two sources of income. is it permissible for me to put the deceased's children in place of their father, or not?

A: You may assign to them from the money you have what you think is equal to the income given to you by their deceased father. You should take the consent of the other

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sons who have added to this income as well. You may agree to place the deceased's children instead of him - exactly as if he were alive - and assign a portion for his wife in order to be satisfied and to free the charge of the deceased, your children and your own charge. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 655

Q 1: A man died in a car accident. He left behind a father, three sons and five daughters. Do the children of the deceased have the right to claim their shares of inheritance from their uncles upon the death of their paternal grandfather?

A: The children of the deceased are not entitled to any part of the property of the grandfather which he leaves behind upon death even if transfer of the property's ownership to the grandfather occurs by means of inheritance from their father. The reason is that those children are totally excluded from inheritance in the presence of the uncles who are the direct sons of their grandfather. This is based on the Hadith in the Prophet (peace be upon him) said, (Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased.) However, if their father is known to have provided their grandfather with any of his earnings, they may claim those earnings from their grandfather or their uncles.

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 7498

Q: Two days ago, while I was praying in the Masjid (mosque), I was told that a blind man was asking about me. When I went to him, he said to me that one of his sons died while leaving behind children. he asked whether these children are entitled to inherit the prescribed share their father was supposed to receive after the death of their grandfather. Will there be any sin on him if he does not assign them any share of inheritance?

A: If the reality is as you mentioned, the children are not entitled to any shares in the property left by their grandfather as it will be an exclusive right to their grandfather's sons. They will not be compensated for the death of their father. Upon the death of their grandfather, they will be totally excluded from inheritance due to the presence of their grandfather's sons. It should be made clear that no one will bear the sin of excluding them from receiving shares in the property left by their grandfather upon his death. However, it would be kind if, out of solacing and showing sympathy, their uncles assign them a portion of the property when it is distributed. Allah (Exalted be He) says, ﴾And when the relatives and the orphans and Al-Masâkîn (the poor) are present at the time of division, give them out of the property, and speak to them words of kindness and justice.﴿

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11483

Q: My father (may Allah be merciful with him) died twenty years before my grandfather did. This grandfather of mine had three sons including my deceased father and four daughters. He had money and real estate. My two sisters and I hope that you will tell us whether we are entitled to inherit from the money and properties of our deceased grandfather? It may be worthy mentioning that our country applies the law of inheritance which states that in such a case Al-Wasiyyah Al-Wajibah (Obligatory bequest) should be followed. According to Al-Wasiyyah Al-Wajibah, the children of the deceased father are entitled to inherit from the estate of their paternal grandfather as if the father was alive provided that they do not receive more than one third of the grandfather's estate. Does such money inherited by Al-Wasiyyah Al-Wajibah involve any doubtful matter? Please provide us with your beneficial answer. May Allah guide you to all goodness.

A: Firstly: grandsons do not inherit when sons are existent.

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Therefore, you are not entitled to receive any share of inheritance of your mentioned grandfather because your paternal uncles exclude you of being heirs. **Secondly:** Bequeathing one third or less for non-heirs is permissible but the bequest becomes effective after the death of the testator. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 13792

Q: We are brothers; some of us are educated, and others are not. Do our shares of inheritance vary according to whether we are educated or not, or whether our children were brought up in the family or away from it?

A: brothers must receive equal shares of inheritance. If they are all equal in the degree of relation to the dead person; that is, they are full brothers or half-brothers and the deceased is their brother, each of them should receive an equal share. Being educated or not has no effect on their shares of inheritance. The same applies whether or not their children were brought up in the family. Also, brothers must receive equal shares as long as they are sons of the deceased. If the children of the deceased include males and females, the males must receive a portion of the inheritance equal to the shares of two females.

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 20135

Q: I had a brother who was blind, with one hand and one leg paralyzed. He had no means of support. However, he would read Qur'an in graveyards, streets, cars, and sidewalks without observing prerequsites such as Taharah (ritual purification) or Wudu' (ablution). He did this as a means of earning his livelihood and gaining the sympathy of people which I suspect may be what he really intended. I repeatedly tried to stop him and offered that he should stay at home and I would take care of him; despite my poor financial situation, but he always refused. Eventually, he died and left money in the bank gained from begging which earns interest. My question is: Is this money Halal (lawful) or Haram (prohibited), and is it lawful for me to inherit this money? If this money is Haram (prohibited) on account of it having been unlawfully earned, how can I dispose of it given that we inherited a house from my mother, and during my absence he rented it out under a long term lease? When I came to live in the house,

I found it was occupied. I told the occupants to evacuate the house, as they had another dwelling, while I did not. They refused unless I give them a sum of money as compensation. Is it permissible to give them some of the money he left in order to evict them, as it was he who rented it out to them?

A: First, you have the right to inherit the money your brother left, but you must dispose of the bank interest, because it is prohibited . You should donate it to the poor and needy. **Second,** if you and the tenant agree upon a certain amount for him to vacate the house, there is no harm in this. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fatwa no. 12613

Q: Your Eminence, one of two full brothers died leaving behind two sons and two daughters. After around 5 years, their uncle died and there was no one to inherit him except his brother's children. Should the legacy left by the uncle be inherited by his brother's sons

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and daughters, or by the sons only? We appreciate your advice. May Allah grant you success!

A: If the reality is as mentioned, after repaying the debts of their deceased uncle and executing his legal will, the remaining money should go to the sons only. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 18660

Q: an eighty years old man died without leaving any parents, wife, children, siblings, etc. However, one of the concerned man's deceased brothers left sons and daughters and another left daughters only.

Thus the deceased man mentioned above did not leave any relatives other than the children of his two deceased brothers. Please clarify who is entitled to receive the inheritance of this deceased man? Is it to be distributed amongst the males and females of his two deceased brothers, or amongst

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the males only?

Please explain your answer according to the instructions of Shari`ah (Islamic law).

A: If the reality is exactly as what is mentioned in the question, this deceased man is to be inherited only by the male children of his brothers. This is because the Prophet (peace be upon him) said: ﴾Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased.﴿ This Hadith provides evidence that a brother's daughter is not entitled to receive any share of inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 17939

Q 1: a woman died leaving no husband, children, brothers or sisters. She had however a nephew from her full brother. The nephew had four full sisters and a half sister. She also had another niece. Would you please tell me who among them has the right to inherit? May Allah grant you success!

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A: Since the nephew is the closest male blood relative, he is entitled to the entire estate left by the above-mentioned woman, if her father and mother are dead. As for the others mentioned in the question, none of them is entitled to the estate, as the Prophet (peace be upon him) stated, (Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to them, and whatever is left is for the closest male relatives.) (Agreed upon by Imams Al-Bukhari and Muslim). May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 15769

Q: my elder brother died, leaving money, five sons and seven daughters; do I deserve a share in the inheritance?

A: If the situation is as you mentioned, you do not deserve a share in the inheritance, due to the existence of your nephews and nieces. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 2145

Q: My father's full brother, `Abd Al-Rahman ibn Muhammad ibn Gharamah Al-Asmary, died. The heirs are the sons of his two full brothers who are `A'id ibn `Ali ibn Muhammad ibn Gharamah, Sa`d ibn `Ali ibn Muhammad ibn Gharamah, Ahmad ibn `A'id ibn Muhammad ibn Gharamah, Salim ibn `A'id ibn Muhammad ibn Gharamah and `Abd Al-Rahman's half brother from the father, `Abdullah ibn Muhammad ibn Gharamah. These are all his heirs. Please answer my question: Does his inheritance go to us, the sons of his two full brothers or to his half brother from the father? May Allah reward you!

A: If the case is as you mentioned, the will of `Abd Al-Rahman ibn Muhammad ibn Gharamah's must be executed and his debts repaid first. Anything that remains after that goes to `Abdullah ibn Muhammad ibn Gharamah, his half brother from the father. The nephews receive nothing since the presence of their uncle `Abdullah excludes them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 6958

Q: Ahmad, Ibrahim and `Abdullah are three half brothers from the father.

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Ahmad and `Abdullah died. Ahmad left behind one son named `Ali, while `Abdullah left behind several sons. Later, `Ali had a son who inherited from him when he died. After that, this only son of `Ali died as well. Ibrahim, the only one remaining of the three half brothers claimed to be the only rightful heir, excluding `Abdullah's sons from Ahmad's estate, his grandnephew. He based his claim on the fact that he is his father's paternal uncle from the father. Is this true?

A: If the case is as you mentioned, that the deceased has only male heirs, Ibrahim, who is `Ali's uncle who is the deceased's father, is worthier of receiving the inheritance than `Abdullah's sons because he is more closely related to the deceased, thus they are excluded. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8743

Q: One of the prominent figures of our village, Mr. Muhammad ibn Muhammad ibn Hadhal, died not long ago leaving no descendants. However, he has two cousins from two paternal uncles who are his father's half brothers from the father. The two paternal uncles are half brothers from the father. Muhammad also has some second full cousins, who are one degree lesser heirs than

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the first cousins. who takes priority in inheriting by virtue of kinship; the half paternal cousin or the two full second cousins who are considered a lower degree of heirs? We hope to receive a prompt reply from you to resolve this dispute. May Allah reward you!

A: If the case is as you mentioned, the half paternal cousins inherit from this man, since they are in a higher hereditary degree; thus excluding his full second cousins. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1313

Q: The driver's brother died, leaving his mother, brothers, sisters and his wife, who was six-months pregnant. After twenty-five days, she miscarried twins; a boy and a girl. do they deserve a share in the estate of their father, even though they died while still in their mother's womb?

A: If it is proven that the twins were miscarried and born dead, they do not deserve a share in the inheritance, either from their father or from anybody else. The fact that they lived in their mother's womb for twenty-five days or more after their father's death does not entitle them to inheritance, as they were born dead.

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 719

Q: Muhammad ibn `Abdullah ibn Mudayfar died, and one of his sons was lost eight years ago in the same area in which his father lived in Al-Madinah Al-Munawwarah. how does the lost son receive his share of inheritance from his father's legacy?

A: The Jurists (may Allah be merciful to them) said that the lost person may be one of the following: He may be lost in a place where he is more likely to be dead such as the battlefield, the sea, the desert and so on. In this case, we wait four years before considering him to be dead and before applying the rulings of death to him. He may also be lost but in a safe place such as his country or on a business journey and so on. In this case, we wait for ninety years from the date of his birth. After that, if he does not appear, we will consider him to be dead then apply the rulings of death to him. Since the person in this question is lost in his country which is a safe place, his inheritance from his father's legacy continues to belong to him till ninety years elapse. If he does not appear during these ninety years,

he will be considered a dead person, and his share of inheritance from his father's legacy is considered part of his legacy. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 372

Q: a man, his wife, and his four children - three sons and a daughter - died in a car accident; all of them died suddenly, and it is impossible to know who died first. All of them died at the scene of the accident, and at the same time, none of them has been witnessed to be alive. The inheritors of the man were only his mother and his father, and the inheritors of the wife were only her mother and her father. There was a Diyah (blood money) for all the dead; sixteen thousand for the male and eight thousand for the female. The question is about the Diyah of the four children; the three males and one female, as there was fifty-six thousand Riyals as Diyah. Since I am the legal trustee and responsible for distributing the inheritance among the legal heirs, I want to give each one their legal rights, so I hope that you would provide me with a Fatwa regarding the following:

1- Is the paternal grandmother of the children entitled to inherit their Diyah along with their paternal grandfather?

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How much would her share be?

2- Is the maternal grandmother of the children entitled to inherit the Diyah along with their paternal grandmother? How much would her share be?

A: The questioner has mentioned that the man died leaving behind a mother and a father; the wife died leaving behind a mother and a father, and that the four children died leaving behind a paternal grandfather and grandmother and a maternal grandmother. He also said that they all died in a car accident without knowing who died first. Therefore, those who died do not inherit each other, for one of the conditions of inheritance is that the heirs must be alive after the death of the testator. Since this condition is missing in this case, one sixth of the Diyah of the children is to be distributed between their paternal and maternal grandmothers, and five-sixths of it shall be given to their paternal grandfather. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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\`Abdullah ibn Sulayman Ibn Mani\`	\`Abdullah ibn \`Abdul-Rahman ibn Ghudayyan	\`Abdul-Razzaq \`Afify

Fatwa no. 652

Q: `Abdul-Rahman ibn Sa`dan, his wife and his children died in

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a car accident. It was not possible to know who died first. Do they inherit each other?

A: If the matter is as mentioned; that they all died at the same time and it was impossible to know who died first, no one will inherit the other because one of the conditions of inheritance is that the testator died and the heir is living. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 6484

Q: my father, his mother and his sister died in a car accident. The accident report stated that they all died at the same time, and Allah knows best. Knowing that my father had no children except me, I would like to know how my father's estate can be divided. My paternal grandmother who died in this accident had no children except the daughter who also died in the same accident. His sister who died in the same accident had four sons and one daughter. Are they entitled to the estate of my father, his mother and his sister?

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A: If the case is as you have mentioned, that your father, your paternal grandmother, and paternal aunt all died in this accident and you do not know who died first, none of them is entitled the other's estate. The living heirs of the each deceased person are entitled to their specified shares. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 6276

Q: It was Allah's will (Glorified be He) that seven people of my family died in a car accident; my daughter, her husband, her two children, my wife, and my other two daughters. they suddenly encountered a gas truck. the car burned and no one knew who was the first to die. Even the hospital could not decide this because the corpses were turned into ashes and cut remnants; may Allah protect you. My question is: Is my daughter entitled to inherit from her husband and visa versa? Am I entitled to inherit from my daughter? Please answer me quickly as I have disagreed with my daughter's father in law on this matter which has been raised now before the judge of Rahimah court. The judge asked us to ask you about this issue. Please send a statement of the Fatwa that you will issue to the judge of Rahimah court quickly. May Allah reward you with all the best for helping us.

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A: If the matter is exactly as what is mentioned in the question, the proper opinion is that none of those who died in the burning is entitled to inherit from the other. This is because the condition of inheritance is not met which is the existence of the heir at the time of the death of their testator. Consequently, the estate of every one of the concerned deceased people is to be inherited by heirs other than those of the people who passed away in the same accident. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4149

Q: A family is composed of a father, a mother, four sons, and four daughters. They were all Christians. Three sons and one daughter converted to Islam. Their father died and left them a huge fortune which is around 18,000,000 Saudi Riyals. do the children who embraced Islam have the right to inherit from their non-Muslim father?

A: If the matter is as mentioned, the Muslim children whose father died as non-Muslim will not inherit. The origin of this ruling is what is related by Al-Bukhari and Muslim on the authority of Usamah ibn Zayd (may Allah be pleased with him) that the Messenger of Allah (peace be upon him) said: (Neither a Muslim inherits from a disbeliever, nor does a disbeliever inherit from a Muslim.)

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify

The second question of Fatwa no. 9438

Q 2: It is known that a Kafir (disbeliever) does not inherit from a Muslim nor a Muslim from a Kafir. What is the ruling if a Muslim father dies and leaves behind Kafir children who declare their acceptance of Islam when their father's property is being distributed; not out of fear to forfeit the right to inherit from their father but out of true conviction? Will they inherit from their father?

A: Scholars have disagreed over this matter. However, the most preferable view held by the vast majority of scholars is that they are not entitled to any shares of the property. This is based on the Hadith in which the Prophet (peace be upon him) said, ("Neither a disbeliever inherits from a Muslim, nor a Muslim from a disbeliever.") Narrated by Ahmad Al-Bukhari, Muslim and Ashab Al-Sunan (authors of Hadith compilations classified by jurisprudential themes). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 7109

Q 1: is it permissible for a son to inherit from his father if he abstains from performing the obligatory Salah (Prayers)?

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A: According to Ijma' (consensus of scholars), anyone who abstains from performing Salah because of denying its obligation has committed Kufr (disbelief), as have those who abstain from it through laziness, according to the preponderant of the two views maintained by the scholars. Accordingly, it is not permissible for a Muslim to inherit anything from a Kafir (disbeliever), even if the Muslim is one of the Kafir's offspring. The Prophet (peace be upon him) said, ("Neither a Muslim inherits from a Kafir (disbeliever), nor does a disbeliever inherit from a Muslim.") (Agreed upon as Sahih [authentic] by Al-Bukhari and Muslim) May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 20173

Q 2: If a man dies while married to two women, and his second wife is not a Muslim. Both wives have children. Do the second wife's children have a share in the inheritance?

A: difference in religion prevents inheritance. If the second wife's children are non-Muslims like their mother, they do not inherit their father, neither does their disbelieving mother, who does not inherit her Muslim husband, according to the saying of the Prophet (peace be upon him), (Neither a disbeliever inherits a Muslim, nor a Muslim a disbeliever.) (Agreed upon by Al-Bukhari and Muslim). However, if those children or some of them are Muslims, they inherit their fathers like the rest of his Muslims heirs. The fact that their mother is a non-Muslim

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does not prevent them inheriting their father. If they were minors, they are treated as if they are Muslims like their father, and so they inherit him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Salih ibn Fawzan Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Third question of Fatwa no. 20054

Q 3: We know the Shar`y (Islamic legal) ruling that non-Muslims do not inherit from Muslims and visa versa. What is the ruling then on a person who bears witness that there is no deity but Allah and that Muhammad is the Messenger of Allah, performs the Salah (Prayer), pays the Zakah (obligatory charity), observes Sawm (Fast) and performs Hajj but they believe in Awliya' (pious people) i.e. that such Awliya' can benefit people and harm them? Is such a person entitled to receive a share of inheritance or not?

A: whoever believes that Awliya' can benefit or harm, seeks the protection thereof, or makes Du`a' (supplication) to them instead of Allah is a Mushrik (one who associates others with Allah in His Divinity or worship) even if they bear witness that there is no deity but Allah, observe Sawm, and perform Salah because such good deeds become vain due to the Shirk of the person who offers them. Allah (Exalted be He) says:﴿ And indeed it has been revealed to you (O Muhammad صلى الله عليه وسلم), as it was to those (Allâh's Messengers) before you: "If you join others in worship with Allâh, (then) surely (all) your deeds will be in vain, and you will certainly be among the losers."﴾

(Part No. 16; Page No. 548)

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The second question of Fatwa no. 20589

Q 2: does a Mushrik (one who associates others with Allah in His divinity or worship) who commits major shirk have a right to inherit or be inherited from? It is worth mentioning that this person has been receiving advice for years, but he still believes in the dead Awliya' (pious people) and insists on his Shirk. Please advise, may Allah reward you!

A: If a person dies in the state of major Shirk, they should be regarded as Kafir (disbeliever). Accordingly, it is not permissible for their believing relatives to inherit from them, to offer Funeral Prayer for them, to bury them in Muslim cemeteries, or even to ask Allah to forgive them. This is because Allah (Exalted be He) states: ﴾It is not (proper) for the Prophet and those who believe to ask Allâh's Forgiveness for the Mushrikûn (polytheists, idolaters, pagans, disbelievers in the Oneness of Allâh), even though they be of kin, after it has become clear to them that they are the dwellers of the Fire (because they died in a state of disbelief).﴿ The Prophet (peace be upon him) also stated:

(Part No. 16; Page No. 549)

﴾Neither a Muslim inherits from a Kafir, nor a Kafir from a Muslim.﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 7301

Q 3: a person embraced Islam and the members of his family are still non-Muslims. Then his parents died leaving behind a legacy for him and his brothers. It is well-known that this Muslim person does not deserve inheritance from his father's legacy. If his brothers offered him what they think is his share of inheritance, should he accept it? It is said that it is permissible for him to take it as a gift. If this is true, must he tell them that he will accept it as a gift or is his intention enough?

A: It is permissible for this Muslim person to take the money offered for him by his father or brothers whether they are dead or alive as long as it does not draw him back to their religion and as long as they are rational people and know that he does not deserve inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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(Part No. 16; Page No. 550)

The eighth question of Fatwa no. 4214

Q 8: A man's father died in a state of Kufr (disbelief) and bequeathed all his property to his Muslim daughter. The rest of the children were deprived from inheritance. What is the ruling on that? Is the Muslim daughter supposed to receive one-third of the property and at the same time share with them the other two thirds?

A: She is entitled to receive one-third of her father's property upon his death. However, she is not entitled to inherit from the remaining two-thirds of the property because both the father and the daughter are following two different religions. Accordingly, only the Kafir children are entitled to receive the remaining two-thirds. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 17130

Q 1: This letter is sent by some Dutch women who have embraced Islam, praise be to Allah, and who have many inquiries concerning the issue of inheritance, as our parents are non-Muslims, and a Muslim must not inherit a Kafir (disbeliever). Our parents asked us to tell them how to share their property after their death, which falls into many categories:

First, a house,

as the money will only be available when the house is sold after their parents' death;

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we cannot take part of this money during their lifetime.

Is it permissible for the parents to make a grant contract with their children during their lifetime, by paying an annual sum of money that can only be reclaimed after they die and the children sell the house?

Is it permissible for the parents to make a grant contract with their children, so that the latter are the real owners of the house during the lifetime of the parents, and after their death each one takes their right?

If a Kafir mother has two daughters, one of whom is a Muslim and the other is a Kafir, is it permissible for the mother to make a will for her Kafir daughter to grant half of her inheritance to her Muslim sister?

It is said that (no bequest must be made to an heir.) If we are not entitled to inherit, is it permissible to make a will for us with one third of the money?

Second, jewels and valuable objects.

Is it permissible for the Kafir parents to distribute such items among their children during their lifetime as a grant, provided that the children use them during their fathers' lifetime, and after their death these things are returned to the children as agreed upon in the grant?

Third, trivial objects and things of low value, such as clothes, mugs and furniture.

Is it permissible for us to take them and use them after their death?

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Is it permissible for us to give them to some Muslims or Kafirs, or simply get rid of them?

If the mother dies, and the father is still alive, is it permissible for their daughter to accept her father's offer and take her mother's things such as clothes?

A: A Muslim does not inherit a Kafir, neither does a Kafir inherit a Muslim, according to the saying of the Prophet (peace be upon him), (Neither a Muslim inherits a Kafir, nor does a Kafir inherit a Muslim.) Agreed upon by Al-Bukhari and Muslim in the Hadith reported from Usamah (may Allah be

pleased with him). However, it is permissible for the Muslim children to accept the grants, gifts and wills from their Kafir parents. They can also make contracts with them according to the Shar`y (Islamically lawful) regulations. However, it is impermissible for them to inherit their parents. If the Kafir parents deprive their Muslim children from their inheritance and dedicate all of it to their Kafir children, the Muslim children have no right to claim any of their parents' property, as this claim only takes the form of inheritance, which is a compulsory right. It is known that a Muslim does not inherit a Kafir. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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(Part No. 16; Page No. 553)

Fatwa no. 17855

Q: i was Christian. My father died on 10/3/1992 A.D. when I was 24 years old. He left behind four sons, three sisters and me. Then the Probate Court gave some property as my share in my father's inheritance and it was as follows:

1- Part of a house built of two floors that covers an area of eight 8 rods.

2- A sum of money that amounts 1,211 LE, in the form of investment certificates that belonged to my father, and this was my share in them.

Afterwards, I gave a sum of money to my mother that was deposited in a bank. It should be noted that this sum could not have been withdrawn from the bank until 1996.

Allah bestowed Islam on me on 24/3/1994 A.D., and due to my dire need of money, I retracted money that I had given to my mother concerning the money deposited in the bank. I borrowed a similar amount of money so as to repay it from the deposited money after withdrawing it from the bank.

However, after the increase of my knowledge about Islamic rulings, I seek your Fatwa regarding the following:

Am I entitled now to what was passed to me of my father's inheritance before converting to Islam? If yes, is it permissible for me take back the money I had given to my mother regarding the deposited money before converting to Islam and I withdrew it after

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converting to Islam?

We appreciate your guidance. May Allah reward you best!

A: First, praise be to Allah for bestowing Islam upon you, and we ask Him (Glorified and Exalted be He) to provide us and you with strength, and to cause us to die as Muslims. **Second,** regarding the inheritance that you had from your father when you were both Christians, it is a valid inheritance, and Islam does not prohibit you taking it. **Third,** concerning the money you had given to your mother, it is better not to take back this gesture; but to keep your word, out of kindness to her. Allah (Exalted be He) says regarding the parents: ﴾but behave with them in the world kindly, and follow the path of him who turns to Me in repentance and in obedience.﴿ When Asma' asked the Messenger of Allah (peace be upon him): ﴾whether or not she establishes the relation of kinship with her mother although she is disbeliever, he (peace be upon him) said to her: Establish the relation of kinship with your mother.﴿ If your mother has already received the money, it is impermissible for you to take it back.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family,

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First and Second questions of Fatwa no. 6474

Q 1: A man has a number of sons and daughters, of them some were guided by Allah, have good character and reputation, fear Allah, obey the Messenger, and were kind to their parents while others acted viciously, did not listen to any advice, and were not good to their parents. The question is: Are all those children equal as far as their rights of inheritance are concerned? In other words, is the mannerless child, whether male or female, entitled to receive their prescribed share of their father's inheritance as explained in Allah's saying in Surah Al-Nisa': (There is a share for men and a share for women from what is left by parents and those nearest related) **and:** (Allâh commands you as regards your children's (inheritance): to the male, a portion equal to that of two females) **I understand that the virtuous son or daughter who obeys their Lord, follows the Sunnah (whatever is reported from the Prophet), and is dutiful to their parents should receive their prescribed share of inheritance but what should be done with children of bad characters and negligence of Din (religion) while Allah (Glorified be He) Whose Words are nothing but the Plain Truth says:** (Worship Allâh and join none with Him (in worship); and do good to parents)

He (Glorified and Exalted be He) also says: (give thanks to Me and to your parents. Unto Me is the final destination.) **and He (Glorified and Exalted be He) says to prophet Nuh (Noah, peace be upon him):** (And Nûh (Noah) called upon his Lord and said, "O my Lord! Verily, my son is of my family! And certainly, Your Promise is true, and You are the Most Just of the judges.") (He said: "O Nûh (Noah)! Surely, he is not of your family; verily, his work is unrighteous") **I have heard contradictory opinions regarding this issue. Some denied the right of disobedient children to inherit from their parents while others ascertained that inheritance is the right of the obedient and disobedient children alike. Thus I find myself in a maze of different views in which I fear getting lost. I therefore refer to you to know the true ruling of Allah and guidance of His Prophet regarding this issue.**

A: When someone dies, it is the Shar`y (Islamic legal) judiciary that defines their heirs and the shares that they are entitled to. If the corruption of any of the heirs reaches the degree of Kufr (disbelief) and leaving the realm of Islam, they are to be deprived from receiving inheritance for the existence of an impediment, which is the Riddah (apostasy), of the concerned person. however, if the Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect) that such a person committed did not reach the degree of Riddah and leaving the realm of Islam, they are entitled to receive their share of inheritance. The foregoing is supported by the generality of the Ayahs (Qur'anic verses) and Hadiths to that effect. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Chairman
`Abdullah ibn Qa`ud	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q: A man died and left behind many sons and daughters from one wife who is still alive.

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He also left behind a childless wife. The inheritors distributed their father's legacy and each took their legal share of inheritance excluding the invested shares that generate annual revenues which are also distributed according to the legal shares.

The question now is: what will the case be, if one of the two wives dies? Should her share of inheritance (1/16) go to the other living wife, or to the stepsons then be added to their annual revenues and distributed among them annually? Finally, is it permissible for the relatives of the childless wife to take her annual revenue? Is this a legal right for them or does her eligibility for inheritance come to an end after her death, and shall her share of inheritance go to the stepsons or the other living wife whose share will then become (one eighth)? We need your advice.

A: If one of the two wives dies, her share of the one eighth of the legacy does not go to the other wife for she is her partner in it. It does not go to the stepsons as they are the husband's sons. In fact a document of limitation of succession will be issued after her death and her legacy must be distributed accordingly.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Member	Chairman
\`Abdullah ibn Qa\`ud	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 550

Q: Salih ibn `Abdu-Rahman divorced his wife, Turfah, on the fifth of Jumadah, 1393 A.H. Salih then died on the tenth of Ramadan of the same year. He did not revoke the marriage during the period between pronouncing divorce and death. She was not pregnant and she had three periods following divorce. is she entitled to a share in her late husband's property?

A: If the reality is that the husband did not pronounce divorce during an illness that caused his death, the divorcee's `Iddah (woman's prescribed waiting period after divorce or widowhood) will be considered as having expired and she will be considered as having been irrevocably divorced from her husband, because he did not revoke the marriage during the days of `Iddah. Accordingly, she is not entitled to receive any share from his property. There is no Hidad (the period during which a widow abstains from scents, ornaments...etc on account of her husband's death) required of her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Mani`	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 12532

Q: is a divorced woman who got married to another husband entitled to inherit her ex-husband?

A: A woman who has been given an irrevocable divorce or a revocable one but her `Iddah (woman's prescribed waiting period after divorce or widowhood) has already expired is not entitled to inherit anything from her ex-husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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the killer's share of inheritance

Fatwa no. 3979

Q: My father had a car, which I used to drive on errands for him. One day, he ordered me to drive him to Al-Dawadimy. When we were on the road between Al-Dawadimy and Shaqra', I fell asleep and the car turned over. Consequently, my father died instantly. Am I entitled to my share of inheritance from my father or not?

A: If the case is as you mentioned, you will not be entitled to your share of inheritance, unless the rest of the heirs approve and are considered competent to grant this approval. This is because your falling asleep at the wheel is what resulted in your father's death. Thus, this is regarded as involuntary manslaughter.

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May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fatwa no. 5582

Q: my father was killed by his unfaithful wife, who conspired with some people to kill him. The criminals were sentenced to death, among whom was my stepmother and her partners in the crime. I would like to ask Your Honor whether my stepmother has a right to inherit from my father or not. It is worth mentioning that she bore my father sons and daughters.

A: If the reality is as you mentioned, your stepmother who conspired with some people to kill her husband has no right to inherit from him. However, her sons and daughters have the right to inherit from their father. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 20580

Q: My father died in a road traffic accident while my brother was driving him to the hospital.

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Being anxious about our father's health, my brother drove at high speeds. After investigating the accident, the traffic police determined that my brother's responsibility for the accident was 85%. There were no casualties except my father who died. We went to the district court of `Asir to issue the deed of heirs, but the judge told us that my brother who drove my father to hospital is excluded from the deed and prevented from inheritance. This is the entire story. Would you please give in writing your Fatwa (legal opinion issued by a qualified Muslim scholar) regarding his eligibility to receive the inheritance and the due Kaffarah (expiation)? May Allah protect, grant you success and reward you!

A: a person who causes the death of his predecessor is not entitled to his share of inheritance. This is based on the principle that the person who murders his predecessor intentionally or unintentionally relinquishes his right to inherit from the deceased. `Amr ibn Shu`aib (may Allah be pleased with him) narrated that `Umar (may Allah be pleased with him) said: (I heard the Prophet (peace be upon him) say: 'The killer receives nothing.' `Amr said, so he (`Umar) called for the uncle of the murdred person and gave him the camels (the blood-money).) (Related by Al-Imam Ahmad in his Musnad (Hadith compilation) and by Abu Dawud in his Sunnan (Hadith compilations classified by jurisprudential themes)). The judge excluding your brother from the deed of heirs and preventing him from the inheritance conforms with the ruling applied by the Prophet (peace be upon him) and his Sahabah (Companions) (may Allah be pleased with them).

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Since your brother is accused of being responsible for the accident, he must pay Kaffarah for involuntary manslaughter which is emancipating a believing bondsman. If this is not possible or he can not afford it, he may fast for two consecutive months (sixty days), as he was a cause of his father's death. It is permissible for the heirs, if of legal age, to willingly donate to their brother who is prevented from the inheritance as much as his share of the estate. Doing so reconciles the fact that your brother did not murder your father intentionally and thus you will be rewarded by Allah. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 19480

Q: I would like to inform you that my father, `Alyan Muhammad Hindy, from Mankarit Al-Balwy, died on 4/9/1416 A.H in a car accident and the driver was my brother, Muhammad `Alyan. The investigation report indicted my brother. Those entitled to inheritance included Nasser, Bandar, Muhammad, Bushra, Maryam and Zaynab who are all adults as well as his wife, Jawza' bint `Obayd. However, we all decided to give up our brother's share of inheritance, regardless of his being the cause of the death of my father. We did this before the judge of Al-`Ula Court. After we did that, the judge asked for the devolution of the estate document, so as to deprive my brother Muhammad of inheritance,

(Part No. 16; Page No. 563)

taking into consideration that the cause of the accident was the overturning of the car when the driver was asleep. Aslo, you should know that depriving my brother of the estate has to affect all of us in one way or another, especially my brother, for we believe that what happened was by Divine Decree. We hope that Your Eminence will guide us to what is lawful. May Allah's Peace, Mercy, and Blessings be upon you.

A: What the legal judge did of depriving your brother of inheritance, because he was the primary cause of your father's death, complied with the Shar`y (Islamically lawful) rule: a murderer does not inherit from the one he murdered, whether this killing has to be met with Qisas (just retaliation), Diyah (blood money) or Kaffarah (expiation). Based upon this, if you all, being adults, consented to give your brother his share of inheritance, there is nothing wrong with that. May Allah reward you the best. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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Fatwa no. 5263

Q: My father was seventy years old. One day, I accompanied him to Najran. He was sitting beside the right door of the car. His headband fell out of the car out onto the road. When the headband fell, he said: "Stop here!"

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I was driving my car at seventy kilometers per hour, and as I was preparing to stop, he said: "I am getting out of the car." Before finishing his words, he jumped from the car. There were two people sitting between him and me, and I did not notice him opening the door except after he fell on the ground. He died as a result of this accident. After his death, I went to some knowledge seekers who told me that the heirs were not allowed to settle this matter. I fear that I may be one of the three categories that will be deprived of inheritance. The police of Najran investigated the accident, and I have to pay 25% from the blood money and to observe Sawm (Fast) for two consecutive months. The rest of the heirs waived their shares in the blood money. I would like Your Eminence to give me a written Fatwa if I can inherit from my father or not.

A: If the reality is as you have mentioned, you will be permitted to have your share of inheritance from your father and you will not be required to offer any expiation, as we do not see any hindrance that prevents you from inheriting your father, as he is the reason behind killing himself. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Inheritance of an emancipated bondsman

Fatwa no. 237

Q: We had a bondwoman whom we emancipated. She died and had neither children nor relatives. She had a furnished house. Do I have the right to dispose of the house and its furniture to give in Sadaqah (voluntary charity) and offer Ud-hiyah (sacrificial animal offered by non-pilgrims) in her behalf?

A: First of all, the debt of this emancipated bondwoman, who died and left a furnished house, should be paid off and her legal will should be executed. Then, the remaining estate should be inherited by her nearest blood relatives. If she has none, her emancipator, whether male or female, should inherit from her. If the emancipator is not alive, then the emancipator's nearest male blood relatives inherit from her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 5973

Q: My grandmother, Muhsinah Um Abu Husayn ibn Wasil, had bought a bondwoman during her life. She manumitted her just before dying, leaving behind her son `Abd Al-Rahman ibn Wasil Al-Subhy, her daughter Barakat Allah, and myself her grandson Wasil

ibn Husayn. My uncle `Abd Al-Rahman then died leaving two daughters. Later the bondwoman girl died leaving none but me, my uncle `Abd Al-Rahman's two daughters and my aunt Barakat Allah. These are her only heirs and she left neither a will nor debts to be repaid. Who inherits her property, knowing that I am her nearest male relative?

A: If the matter is as you mentioned, the property of the bondwoman goes to the nearest male relative, who according to the information in the question is Wasil ibn Husayn. He alone inherits her property. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 7414

Q 2: a person died and left no heirs or consanguinity of any kind. He was a slave and then was freed and those who set him free are still alive. To whom should his property go?

A: If the reality is as you have mentioned, his property should go to those who set him free whether male or female. If those who set him free are not alive at the death of the freed slave, his property should go to the children of those who set him free.

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Fatwa no. 19787

Q: There was a bondswoman who was emancipated according to the general order of emancipating slaves, and then she got married. Her husband died and she had no children. She went to the house of one of her ex-masters. She grew older and was in need of help and care. Her ex-masters continued caring for her until she died. She left about ten thousand riyals that she had gathered from the money that was given to her as charity.

What should we do concerning this money that she left? Who will inherit this money? Give us a detailed Fatwa! May Allah protect and reward you!

A: If this emancipated woman has heirs, the money she left should be distributed among her heirs as they are the most worthy of it. But if she does not have heirs and she was emancipated by her master, her master will be her heir. If her master died, his heirs such as his son, grandsons,

his father, grandfather, his full brothers, half brothers and their sons will inherit from her. This is according to the saying of the Prophet (peace be upon him): ("The Wala' (manumitter's right of inheritance from their freed slave) would go to him who emancipates.") This Hadith was reported by Al-Bukhari and Muslim. It was also reported by Al-Tirmidhy in his book Al-Jami` that the Prophet (peace be upon him) said: ("Wala' is treated like genealogy. ") This means that Wala' is considered a reason for inheritance in the same way as kinship. But if this woman was emancipated by the state, all the money she left should be given to Bayt-ul-Mal (Muslim treasury) through the court. This is because Bayt-ul-Mal is the channel of spending the money that has no owner. Moreover, Bayt-ul-Mal is considered in this case the cause for her emancipation, and therefore the master of the slave has no right to inherit from him or her because he is not the one who emancipated him or her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Emancipation

(Part No. 16; Page No. 570)

The first question of Fatwa no. 1977

Q 1: It is said: why does Islam not prohibit slavery?

A: Allah (Exalted be He) has the perfect knowledge, wisdom, kindness and mercy. He is All-Knowing with the matters of His creation, Compassionate with His servants and Wise in His creation and legislation. Therefore, He legislated for people that which makes them good in the world and in the Hereafter and that which will guarantee their real happiness, freedom and equality in fair circumstances, comprehensive guidance and within limits that do not transgress the rights of Allah and that of His servants. He sent this legislation with His Messengers as announcers of glad tidings and warners. So he who follows His path and follows the guidance of His Messengers, deserves dignity and attains success and bliss. Whoever refuses to follow the straight path, he deserves to be killed or enslaved in order to establish justice, maintain security and peace and safeguard lives, honor and properties. For these mentioned causes, Jihad (striving for the cause of Allah) was legislated to deter the oppressors and eliminate the corruptors and clean the earth from the wrongdoers. Whoever among them is captured by Muslims, the ruler has the choice either to kill him if his evil is eminent and he will not be corrected, or forgive him and accept a ransom from him if he can be deterred by that or lead him to goodness.

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The ruler may take him as a slave if he believes that holding him among Muslims will correct him, rectify him and cause him to find the way to guidance, believe in and submit to it due to what he can see of Muslims' justice, their kindness and good treatment. He may also listen to the texts of legislation and morals. Accordingly, his heart may be opened to Islam, Allah will make faith dear to him and make disbelief, transgression and disobedience unpleasant to him. Then, he will start a new life with Muslims to gain his freedom by an agreement of freedom. Allah (Exalted be He) says: ﴾And let those who find not the financial means for marriage keep themselves chaste, until Allâh enriches them of His Bounty. And such of your slaves as seek a writing (of emancipation), give them such writing, if you find that there is good and honesty in them. And give them something (yourselves) out of the wealth of Allâh which He has bestowed upon you.﴿ This also may be achieved through the expiation for false oath, Zhihar (a man likening his wife to an unmarriageable relative), vow or the like. It also may be achieved through the way of emancipation for the sake of Allah, seeking His reward and other kinds of emancipation. Therefore, it will be known that the origin of slavery is the capturing in Jihad against the disbelievers to correct those who were captured by isolating them from the evil environment they lived in and starting a new life in a Muslim community to guide them to the

path of goodness, save them from evil, purify them from the effects of disbelief and error and make them deserve

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a better life in which they enjoy security and peace. Slavery in Islam is like a purifying machine or sauna in which those who are captured enter to wash off their dirt and then they come out clean, pure and safe from another door. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The third question of Fatwa no. 515

Q 3: is it permissible to enslave people nowadays while there are no legitimate wars? Or was this confined to the time of the Prophet (peace be upon him), for there were legal wars? Please, substantiate your answer with proofs.

A: There is no doubt that the wars that took place between the Prophet (peace be upon him) and the disbelievers were legitimate. Some of the disbelievers were taken as slaves in these wars. There were also legitimate wars between Muslims and disbelievers during the reign of the Rightly-Guided Caliphs and those who came after them in the first three generations. They followed the Prophet's Sunnah in releasing the prisoners, accepting the ransom, taking them in slavery or killing them

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acting upon the best interest of Muslims, as decided by the ruler in conformity with the Qur'an and the Sunnah of the Messenger of Allah (peace be upon him). All Imams agree that the ruling of slavery remains the same until now, therefore, if there are legitimate wars between Muslims and disbelievers and Muslims were victorious and captivated some disbelievers, the Muslim ruler may release them, accept the ransom, kill or enslave them according to the best interest of Muslims acting upon the Qur'an and the Sunnah. If there are no legitimate wars, it is not permissible to enslave people. As for those who were enslaved in a legitimate war and continued to be in slavery by multiplication and inheritance, they will stay in this state until they gain freedom. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fourth question of Fatwa no. 5726

Q 4: Are the people who were enslaved during the late centuries but were not taken during Jihad, regarded as legal slaves? Is there any due Zakah (obligatory charity) on the property of a slave that he or his master must pay? Is it permissible to pay Zakah to one slave when he is needy? Please answer us in detail to remove all doubts regarding this issue. Peace be upon you.

A 4: First, a person who is enslaved in war or born by a bondwoman, i.e. not the child of her master, is a slave and the master can sell or employ for no returns. It is also permissible for the master of a bondmaid to have intercourse with her

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without a marriage contract or payment of Mahr (mandatory gift to a bride from her groom). **Second,** there is no due Zakah on the property of a person, male or female, who is legally owned, because he and his property are in the possession of his master. **Third,** Zakah should not be paid to a slave, male or female, because they are rich according to the wealth of their master. But if they are poor and the master does not provide for them, it is permissible to pay Zakah to them. May Allah grant us success. May Allah's Peace and Blessings be upon Prophet Muhammad, his family, and Companions.

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First, second, third, fourth, and fifth questions of Fatwa no. 2387

Q 1: What is your opinion - may Allah honor you - regarding people who are enslaved without Jihad (fighting in the Cause of Allah)?

Q 2: What is your opinion - may Allah honor you - regarding the slaves that we have in South Africa; are they Shar`y (Islamic legal) slaves or not? When were they enslaved?

Q 3: Is the slavery of those, Muslims or non-Muslims, who were enslaved during wars that took place between kings or countries for the sake of distinction and mastery in this world or during raids that powerful people used to wage against weak ones considered valid? Whether the answer is in the affirmative or in the negative, please mention the proofs for it from the Qur'an and Sunnah (whatever is reported from the Prophet).

Q 5: How many conditions are there for the validity of slavery? What are these conditions?

A: Slavery is originally to capture non-Muslim prisoners of war during wars that take place between Muslims and Non-Muslims and Jihad for the sake of raising Allah's Word and supporting His Din (religion).

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All other forms of slavery are impermissible such as slavery that takes place without war or Jihad but through kidnapping free people, enslaving Muslims during wars between Muslim countries, or the selling of free people. The foregoing are all Haram (prohibited) forms of slavery through which ownership is not established. The conditions of validity of slavery along with the answers for questions no. 1, 2, 3, and 5 can be known through the consideration of the details mentioned above. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Q 4: What is your opinion (may Allah grant you and us success) concerning slaves whom the government emancipated against their master's will? Are they regarded emancipated or not?

A 4: If it is proven that the cause of enslavement is legal, it is not permissible for the ruler to emancipate them against their master's will. This emancipation is not legal unless the Muslim ruler perceives a public interest in it, then he can free them but should pay their value to the master. This is based on the Prophet's (peace be upon him) judgment on the people enslaved from the tribe of Hawazin. However, if the cause of enslavement is not legal, as shown in the answers of questions 1, 2, 3, and 5), the government should emancipate them, even if it is against the master's will. And no compensation should be given to him, even if he claims they are his own slaves. May Allah grant us success! May Allah's Peace and Blessings be upon Prophet Muhammad, his family, and Companions!

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Fourth question of Fatwa no. 6356

Q 4: Concerning the meaning of Allah's statement: ((the slaves) that your right hands possess.) **Is it permissible for the master to behave as he likes with those he possesses without any restrictions or accountability? Suppose that I own a maidservant and at the same time I own her husband, am I permitted to act as I like with them? What is the limit of my authority over them?**

A 4: In the Shari`ah (Islamic law) the phrase ((the slaves) that your right hands possess.) refers to what a person possesses of male and female bondservants and other property that a person legally owns. It is not permissible for the master of a male or female bondservant to treat them according to his desire or mere opinion; but he must be just as ordained by Shari`ah. He should use them in lawful works, which they have the ability to perform and he may have intercourse with his maidservant if she is not married. If she bears him a child, she becomes Umm Walad (mother of a child) and, therefore, she cannot be sold and becomes free when he dies. Furthermore, her master cannot separate her from her child. There are many other regulations that Allah legislated in order to organize the relationship between a master and his bondservant girl and define what is lawful and what is forbidden. May Allah grant us success! May Allah's Peace and Blessings be upon Prophet Muhammad, his family, and Companions!

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(Part No. 16; Page No. 579)

Fatwa no. 3576

Q: what is the ruling on slavery in Africa, whose people are regarded as slaves? What is the ruling on their inheritance when they die? Is slavery lawful or not? I hope to receive a Fatwa substantiated with conclusive evidence from the Qur'an and the Sunnah (whatever is reported from the Prophet).

A: Man is born free. However, slavery can befall some people due to their Kufr (disbelief). Slavery signifies the legal incapacity of the person who is enslaved. Slavery (which used to prevail in the past) is mentioned in the Qur'an, Sunnah, and Ijma` (consensus of scholars). A slave neither inherits nor is inherited and is excluded from inheritance. A Mub`ad (a slave freed by one master and is not freed by the other), on the other hand, inherits, is inherited, and is excluded from inheritance according to the extent of his freedom. There must be a Shar`y (Islamically lawful) evidence to establish the slavery of a certain person; and being black or white is not enough to establish this, because a slave might be black or white. Rather, slavery is established when its Shar`y reason exists. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 14708

Q: There is a rumor circulating among many people nowadays that some countries hold slave markets. People go to buy slave girls to have intercourse with them during their stay in that country. Afterwards, they manumit the slaves in order to avoid having any unlawful relations with these girls. What is the ruling on this action? Are there any slaves nowadays?

A: it is not permissible to sell free people, and if there is a country that sells free people as slaves, this does not actually make them slaves. They are free people and it is not permissible to sell them, buy them, or have intercourse with them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1282

Q: The questioner is an architect contractor who sustained a devastating loss. The National Bank supplied him under mortgage, but when the debts surpassed the mortgage the Bank stopped supplying him. The owners of buildings, workers, foremen, and other creditors are constantly demanding their dues. He had two bondmaids

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and the creditors demanded that he sell them to repay his debts. Therefore, he claimed that he had emancipated them, but the creditors compelled him to sell them and he sold them to a person, who set them free immediately upon buying them. He now asks if his sale of the two girls was valid or his emancipation was valid and thus the sale is invalid, and thus he must repay the price to the one who bought them. It should be noted that the value of the mortgage with the bank increased and it now can cover all the debts and extra money remains.

A: Your emancipation of the two slaves is valid and your sale, after emancipation, took place when they were free. Therefore, the sale is invalid and you have to pay the price back to the buyer and inform him, lest he may have emancipated them for expiation or the like and he may correct this situation. You should ask him for pardon and should repent and ask Allah for forgiveness. May Allah grant us success! May Allah's Peace and Blessings be upon Prophet Muhammad, his family, and Companions!

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The second question of fatwa no: 4049

Q 2: I was a slave in the past and I married an emancipated woman. My wife gave birth to a baby who is now a grown-up, but he is disobedient to me and does not support me. Also, he refuses to enter my house and his mother died. What

should I do? Who is obliged to financially support that son; the man who emancipated his mother or me? Kindly give me your Fatwa that determines my relationship with that son. May Allah reward you the best.

A: If the reality is as you described, you are advised to endure and be patient with your son, and to enjoin him to do what is good and forbid him from doing what is bad so that Allah may guide him and cause him to obey you. The issue of supporting him financially can be determined by the court. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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